

In the Matter of:

MATTHEW GIBSON

VS

LOUISE E. GOLDSTON

MATTHEW GIBSON

February 23, 2022



5010 Dempsey Drive
Cross Lanes WV 25313
304-415-1122

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

MATTHEW GIBSON,

Plaintiff,

-vs- Civil Action No. 5:21-cv-00181

LOUISE E. GOLDSTON, individually,
COUNTY COMMISSION OF RALEIGH
COUNTY, a political subdivision,
JEFF MCPEAKE, individually,
BRIAN WHITE, individually,
BOBBY STUMP, individually,
KYLE LUSK, individually,

Defendants.

DEPOSITION OF MATTHEW GIBSON

The deposition of Matthew Gibson was
taken on February 23, 2022, at 10:00 a.m.,
at 252 George Street, Beckley, West
Virginia.

ELITE COURT REPORTING, LLC
5010 Dempsey Drive
Cross Lanes, West Virginia 25313
(304) 415-1122

Tara Arthur, CCR

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A P P E A R A N C E S

John H. Bryan
Attorney at Law
Edwin Morgan
Law Office of John H. Bryan
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Kevin J. Robinson
Attorney at Law
Pullin Fowler Flanagan Brown & Poe
252 George Street
Beckley, West Virginia 25801

Jennifer E. Tully
Attorney at Law
Bailey & Wyant, PLLC
P.O. Box 3710
Charleston, West Virginia 25337-3710

Also Present: Louise E. Goldston

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MATTHEW GIBSON,
called as a witness, first being duly sworn
by the Court Reporter/Notary Public,
testified as follows, to wit:

EXAMINATION

BY MS. TULLY:

Q. Could you please state your name for the record?

A. My name is Matthew Aaron Gibson.

Q. How do you spell Aaron, A-A-R-O-N?

A. A-A-R-O-N.

Q. Mr. Gibson, my name is Jennifer Tully. I represent Judge Goldston in the lawsuit that you through your attorney have filed against her and a couple of deputies as a result of the incident on March 4, 2020. So I have some questions for you today. Have you ever had a deposition taken before?

A. No, ma'am.

Q. All right. I am sure your attorney has kind of told you what to expect, but I am going to go over kind of what I call deposition ground rules. That way you and I

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I N D E X

WITNESS

Matthew Gibson

EXAMINATION

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EXHIBITS

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Reporter's Certificate: Page 191
Errata Sheet/Signature Page: Enclosed

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make sure we are on the same page.
Tara here is taking everything down
that we say. She is typing it up -- she is
going to eventually type it up into a
transcript. So we need to both make sure
that we give vocal answers, keep our voices
up because she is also recording it.

Also, if you can, say yes or no as
opposed to uh-huh or huh-uh. This will
become very conversational, and it will be
easy to flow into uh-huh that happened, or
shrugging your head --

A. Yes, ma'am.

Q. -- you know, shoulders. That just makes it easier when you go back and try to read the transcript if it is a yes or no answer as opposed to uh-huh or huh-uh. If you don't understand a question that I ask you -- because lawyers can get real longwinded with their questions -- just let me know, you know, I have no idea what you just asked me. And I am happy to rephrase it. If you need to take a break, you let me know. I don't think this will

Page 6

1 take too super long. But we are here at
 2 your convenience. So you let me know and we
 3 can take a break. The only thing I would
 4 ask is that if there's a question pending,
 5 you answer that question prior to taking a
 6 break. Okay?

7 A. Yes, ma'am.

8 Q. All right. Can you give me your
 9 date of birth, please?

10 A. It's January 10, 1977.

11 Q. And what's your current address?

12 A. It is 113 Quiet Oak Street,
 13 three words, Beaver, West Virginia 25813.

14 Q. And is that the home that you
 15 shared with your ex-wife?

16 A. Yes, ma'am.

17 Q. Okay. And what's her name?

18 A. It is Carrie Gibson.

19 Q. All right. It is my understanding
 20 that you and Ms. Gibson have two children?

21 A. Yes, ma'am.

22 Q. What are their names?

23 A. Brooklyn Gibson, Skyler Gibson.

24 Q. Okay. How old is Brooklyn?

Page 7

1 A. Brooklyn is 18.

2 Q. How old is Skyler?

3 A. Skyler is 12, turns 13 March 31st.

4 Q. Okay. Do either of those girls
 5 live with you on a full-time basis?

6 A. Yes, ma'am.

7 Q. Both or --

8 A. Brooklyn Gibson.

9 Q. Okay. And Skyler, does she split
 10 her time between you and her mother?

11 A. Yes, ma'am. Every other week.

12 Q. Do you have any other children
 13 besides Brooklyn and Skyler?

14 A. No, ma'am.

15 Q. Have you ever been married prior --
 16 before or after being married to Carrie
 17 Gibson?

18 A. No, ma'am.

19 Q. Who currently besides Brooklyn, and
 20 every other week Skyler, lives with you at
 21 113 Quiet Oak Street?

22 A. Nobody, ma'am.

23 Q. Okay. How long have you lived in
 24 this address?

Page 8

1 A. To my recollection, it would be
 2 2005 -- say summer of 2005.

3 Q. And is this a home that you and
 4 your ex-wife purchased together?

5 A. Yes, ma'am.

6 Q. Okay. And in the divorce, I assume
 7 you were either awarded the property or you
 8 bought Ms. Gibson out of her share?

9 A. Yes, ma'am.

10 Q. Okay. All right. Can you -- I
 11 don't need to go back to elementary school.
 12 But can you give me your educational
 13 background, please? When did you graduate
 14 high school?

15 A. 1995.

16 Q. Where was that from?

17 A. Independence High School.

18 Q. And that's here in Beckley,
 19 correct?

20 A. Yes, ma'am.

21 Q. Did you go to college?

22 A. One year, ma'am.

23 Q. Where was that?

24 A. Bluefield State, which was here in

Page 9

1 Beckley.

2 Q. Did you obtain any kind of
 3 certificate from Bluefield State?

4 A. No, ma'am.

5 Q. Okay. How about since attending
 6 that year at Bluefield State, have you done
 7 any trade schools, obtained certificates,
 8 certifications, any kind of -- anything?

9 A. Probably through my work, I have
 10 obtained some certificates, I am sure.

11 Q. Okay. And where are you currently
 12 employed?

13 A. I work at the federal prison in
 14 Beckley, West Virginia.

15 Q. And what's your position there?

16 A. I am a foreman.

17 Q. Can you tell me what that means?

18 A. I basically teach inmates how to
 19 build a chair.

20 Q. Okay. So you are not a
 21 correctional officer; is that correct?

22 A. No, ma'am.

23 Q. How long have you been employed as
 24 a foreman through the federal penitentiary?

Page 10

1 A. 2018, approximately.

2 **Q. And where did you work prior to**
3 **that?**

4 A. I worked in the receiving and
5 discharge unit at the same place of course.

6 **Q. Okay.**

7 A. Everything I tell you -- I have
8 been there 22 years. So I have had several
9 jobs.

10 **Q. Okay. So you were in the receiving**
11 **and discharge. What did that entail?**

12 A. Bringing new inmates in and
13 releasing inmates to the street.

14 **Q. Okay. So you were the first and**
15 **last face they saw, huh?**

16 A. Yes, ma'am.

17 **Q. All right. In terms of social**
18 **organizations -- do you belong to a church or**
19 **do you belong to anything like that?**

20 A. I was a member of New Prospect.
21 And I guess I still am because I haven't
22 rescinded that. A Baptist church, to the
23 best of my recollection, around 20 years.

24 **Q. Okay. Sounds like you don't attend**

Page 11

1 anymore?

2 A. I go to I Heart church now.

3 **Q. Okay. Are you on any kind of**
4 **medication today that would affect your**
5 **ability to testify?**

6 A. No, ma'am.

7 **Q. Are you on any medication at all?**

8 A. No, ma'am.

9 **Q. All right. When did you and Ms.**
10 **Gibson marry?**

11 A. December 11, 1995.

12 **Q. It is my understanding that --**
13 **well, actually, I don't have an**
14 **understanding. When did you and your ex-wife**
15 **begin divorce proceedings?**

16 A. Separation?

17 **Q. Yes.**

18 A. September 30th, 2017.

19 **Q. All right. That's when you**
20 **separated?**

21 A. Yes, ma'am.

22 **Q. Who filed for divorce?**

23 A. She did, ma'am.

24 **Q. She did. And do you know when she**

Page 12

1 **did that? Would it have been around the**
2 **September of 2017 date?**

3 A. I am going to say at the end of
4 2017, to the best of my recollection.

5 **Q. That's fine.**

6 **All right. And your divorce**
7 **proceedings, they occurred here in Raleigh**
8 **County?**

9 A. Yes, ma'am.

10 **Q. And that was in the family court?**

11 A. Yes, ma'am.

12 **Q. And Judge Louise Goldston was the**
13 **presiding judge at that point; is that**
14 **correct?**

15 A. Yes, ma'am.

16 **Q. Did you have an attorney for your**
17 **divorce proceedings?**

18 A. Yes, ma'am.

19 **Q. And who was that?**

20 A. Brandon Johnson.

21 **Q. Did you hire Mr. Johnson at the**
22 **beginning of the proceedings?**

23 A. Yes, ma'am.

24 **Q. And how long did he continue to**

Page 13

1 represent you?

2 A. Probably, to the best of my
3 recollection, March of 2019.

4 **Q. Okay. Now, while I don't want to**
5 **know about any conversations that you had**
6 **with Mr. Johnson, it appears to me at some**
7 **point you all had a parting of the ways?**

8 A. Yes, ma'am.

9 **Q. Can you give me any indication as**
10 **to why? Did you just decide you wanted to go**
11 **out on your own?**

12 A. You know, to the best of my
13 recollection, I just felt that the big
14 battles were over and, you know, I think it
15 was time to part ways.

16 **Q. Okay. Did Mr. Johnson assist you**
17 **in reaching an agreement with your ex-wife**
18 **through her attorney, Mr. Lusk, regarding the**
19 **distribution of property?**

20 A. Yes, ma'am.

21 **Q. And can you explain to me how that**
22 **occurred? I mean, did you all sit down in a**
23 **conference room and hash it out?**

24 A. We sat down in the courtroom. Of

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1 course no one was in the courtroom. The
2 judge was gone and the bailiff was not there
3 also. So yes.

4 **Q. And the four of you sat in there**
5 **and talked about all of the property?**

6 A. Yes, ma'am.

7 **Q. How did you develop your list of**
8 **property to be divided?**

9 A. I didn't develop it. Either her or
10 Mr. Lusk developed a list.

11 **Q. So they approached you with this**
12 **list and said, here is a list of property, we**
13 **need to divide this up?**

14 A. And it was the first time I seen
15 that list, when it was presented to me,
16 September 18, 2018.

17 **Q. Did you have any objections to the**
18 **property that was on that list?**

19 A. Yes, ma'am.

20 **Q. Okay. And what were those?**

21 A. To the best of my recollection -- I
22 would have to go back and look at it, the
23 property form.

24 **Q. Okay.**

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1 A. I don't remember.

2 **Q. But you know you didn't agree with**
3 **all of the property that was listed on there?**

4 A. No, ma'am.

5 **Q. But you don't remember why?**

6 A. There were things listed on the
7 property form that were my daughter's that I
8 have full custody of. So on that property
9 form, her items were listed.

10 **Q. Okay.**

11 A. And we never went over those items
12 to pick to and from on who got those items.

13 **Q. Okay.**

14 A. So my belief was the kids' items
15 never should have been on the property list.

16 **Q. Okay. Okay. All right. After you**
17 **all went through this property list and --**
18 **you I guess came to an agreement, is that**
19 **fair, as to who was going to take what?**

20 A. The agreement never really did --
21 there was a form entered into the record, but
22 it never was corrected. So there was two
23 property forms that -- one was called Joint
24 **Exhibit 1** that is in the file. And one was

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1 called **Exhibit 1** That's the one that I
2 referred to as an altered property form.
3 Things were added. They caught additional
4 items. There were mistakes -- like two leaf
5 blowers.

6 On **Exhibit 1** that Mr. Lusk
7 presented to Judge Goldston during the
8 hearing, there was a leaf blower scratched
9 out. Well, that's not -- it doesn't
10 accurately reflect what was on Joint
11 **Exhibit 1** the copy that was in the file.

12 Also, guns was a mistake. And
13 guns, I was -- I was to pay a thousand
14 dollars for the guns. Again, my daughter
15 that I have full custody of, her property, if
16 you would look at it, looks like that --
17 where it wasn't circled, that the ex-wife got
18 my daughter's furniture. And that's not the
19 case. I have full custody of. So there were
20 some things on there that wasn't accurately
21 reflected.

22 **Q. Okay.**

23 A. So if they were attached to the
24 final order, I would absolutely object to

Page 17

1 that part.

2 **Q. Okay. When they were entered into**
3 **evidence at the hearing, this property --**
4 **this property list --**

5 A. Yes, ma'am.

6 **Q. -- were you still represented by**
7 **Mr. Johnson?**

8 A. Yes, ma'am.

9 **Q. Did he note any kind of an**
10 **objection to this property list?**

11 A. So there was a discussion between
12 him and Mr. Lusk. And Mr. Lusk was supposed
13 to make those annotations.

14 **Q. Okay. And do you know if that**
15 **happened?**

16 A. Do what?

17 **Q. Do you know if that happened?**

18 A. Absolutely not.

19 **Q. It did not happen? Or you do not**
20 **know?**

21 A. It did not happen. Those changes
22 were not made as guns were not taken off.
23 Can I refer to Joint **Exhibit 1**?

24 **Q. Yeah. Pull it out. Let's see it.**

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1 A. Joint **Exhibit 1**.
 2 **Q. Okay.**
 3 A. That's the one that you attached, I
 4 believe, to your-all's --
 5 **Q. To my request for admissions?**
 6 A. Yes, ma'am.
 7 **Q. Okay.**
 8 A. This is **Exhibit 1**.
 9 **Q. Okay. So you say that this --**
 10 MS. TULLY: Can we get some
 11 copies made of this?
 12 MR. ROBINSON: Yeah.
 13 MS. TULLY: Do you mind if we
 14 make copies?
 15 THE WITNESS: Absolutely. It is
 16 all part of the record.
 17 (A discussion was held off the
 18 record.)
 19 BY MS. TULLY:
 20 **Q. Mr. Gibson, if you don't mind to**
 21 **hand me the two copies of **Exhibit 1** and**
 22 **Joint **Exhibit 1** that I handed you, I am going**
 23 **to give them to the court reporter, and we**
 24 **are going to mark them as **Exhibit 1** again to**

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1 **your deposition. That way we can make this**
 2 **as confusing as possible.**
 3 MS. TULLY: Why don't we mark
 4 Petitioner's **Exhibit 1** as **Exhibit 1** and Joint
 5 **Exhibit 1** as **Exhibit 2**. That way --
 6 THE WITNESS: As long as you all
 7 have got them together --
 8 (**Exhibit 1** was marked.)
 9 (**Exhibit 2** was marked.)
 10 **Q. So Petitioner's **Exhibit 1** that has**
 11 **the Raleigh County clerk's timestamp on it --**
 12 **okay?**
 13 A. Yeah.
 14 **Q. -- is **Exhibit 1** to your deposition.**
 15 A. Got it.
 16 **Q. And then what you have called Joint**
 17 ****Exhibit 1** -- and it says admitted on it -- is**
 18 **going to be marked as **Exhibit 2** to your**
 19 **deposition.**
 20 All right. So I am going to -- you
 21 can't write on these. Sorry. They're now
 22 exhibits to your deposition. But they're
 23 marked here. So that way you can see --
 24 A. Okay.

Page 20

1 **Q. -- okay -- what we're talking**
 2 **about.**
 3 A. Okay.
 4 **Q. All right. So now tell me, which**
 5 **of these -- and I am now going to call them**
 6 ****Exhibit 1** and **Exhibit 2** -- do you say is the**
 7 **correct property distribution?**
 8 A. Neither one of those are correct.
 9 **Q. Okay.**
 10 A. There is one that was entered into
 11 the court file that was not corrected by
 12 Mr. Lusk that is referred to as your **Exhibit**
 13 **Number 2 --**
 14 **Q. Okay.**
 15 A. -- which is called Joint **Exhibit 1**.
 16 **Q. All right. And you say that this**
 17 **one was admitted into the court file?**
 18 A. Yes, ma'am.
 19 **Q. All right. And it looks to me like**
 20 **that was done on September 19, 2018, based**
 21 **upon this timestamped copy?**
 22 A. Yes, ma'am.
 23 **Q. Okay. Was that the date of the**
 24 **hearing of the property distribution?**

Page 21

1 A. I am thinking it was the 18th.
 2 **Q. Sometimes it takes a day or so,**
 3 **yeah. Okay.**
 4 All right. Now, this though is the
 5 list that you all went down through -- when
 6 I say "you all," you, your attorney, Ms.
 7 Gibson and Kyle Lusk went down through to
 8 divide up the property; is that correct?
 9 A. Uh-huh. That was the list that he
 10 was supposed to correct.
 11 **Q. Okay. But this is the list that**
 12 **you all looked at?**
 13 A. Yes, ma'am.
 14 **Q. Okay. And the things that are**
 15 **circled on it, based upon the key up here,**
 16 **says the circles equals husband; is that**
 17 **correct?**
 18 A. Yes, ma'am.
 19 **Q. All right. And so looking at this**
 20 **-- if you flip over, there are some things**
 21 **that say Sky's Bedroom and Brooklyn's Room.**
 22 **And it looks to me like that is on page 3 of**
 23 **this property list?**
 24 A. Yes, ma'am.

Page 22

1 **Q. And these were things that you do**
 2 **not believe should have been divided?**

3 A. Well, I mean, especially my
 4 daughter that I have full custody of, her
 5 bedroom furniture shouldn't go to the
 6 ex-wife.

7 **Q. Okay.**

8 A. Their toys.

9 **Q. Okay.**

10 A. Their movies.

11 **Q. All right. Okay.**

12 A. So I can go down if you want me to
 13 -- but was you going to ask me -- go ahead.
 14 Ask your question. Sorry.

15 **Q. All right. What I want to ask you**
 16 **about is with Exhibit 1 there is a lot of**
 17 **writing on here.**

18 A. Yes, ma'am.

19 **Q. Do you know whose handwriting this**
 20 **is?**

21 A. I don't have a clue, ma'am.

22 **Q. Okay. So this is not your**
 23 **handwriting?**

24 A. No, ma'am.

Page 23

1 **Q. All right. So at some point**
 2 **Exhibit 2 called Joint Exhibit 1 Admitted,**
 3 **was admitted into evidence at a hearing -- a**
 4 **divorce hearing?**

5 A. Yes, ma'am.

6 **Q. So this was the property**
 7 **distribution that was recognized by the**
 8 **court? Is that your understanding?**

9 A. Yes. But just like with the final
 10 order, there had to be a lot of mistakes --
 11 or there had to be a lot of corrections made
 12 to the final order. Again, if he would have
 13 submitted this with the final order, I would
 14 have notated a list of things that needed to
 15 be corrected due to the agreement.

16 **Q. Okay. And you believe that your**
 17 **attorney did voice an objection to this Joint**
 18 **Exhibit 1 which is Exhibit 2 to your**
 19 **deposition at that hearing?**

20 A. Not during the hearing. Verbally
 21 he spoke with Mr. Lusk -- just like the
 22 photos that were seized off my walls. Those
 23 were ordered by Judge Goldston to be copied,
 24 which I did.

Page 24

1 **Q. Okay.**

2 A. Okay. And that's -- that was her
 3 verbal order in the April of 2018 hearing.

4 **Q. Okay. What are you reading from**
 5 **there?**

6 A. Would you like a copy of this also?
 7 This is notes.

8 **Q. Are these notes that you developed**
 9 **yourself?**

10 A. This is -- more than likely, you
 11 probably got those maybe.

12 MR. ROBINSON: You might want to
 13 run it by your attorney first.

14 MR. BRYAN: I already looked at
 15 it. This is his own notes.

16 MR. ROBINSON: Oh, okay.

17 MR. BRYAN: If he wants to share
 18 it, it is fine with me.

19 MS. TULLY: Okay.

20 MR. BRYAN: I think it is to
 21 refresh his own recollection. I don't have
 22 any objection to you seeing it or copying it.

23 **Q. Let me just ask -- so that we don't**
 24 **have to go through this page by page. This**

Page 25

1 **entire file that you have in front of you**
 2 **today, are these your notes and your photos**
 3 **and things that you have? Or are these**
 4 **things that you have gotten from your**
 5 **attorney?**

6 MR. BRYAN: I can answer that.

7 That is not -- that's not from me. That's
 8 his own stuff so that he can most accurately
 9 answer questions.

10 MS. TULLY: All right.

11 **Q. Do you mind if I take a look**
 12 **through there?**

13 A. Absolutely.

14 **Q. For the record, your absolutely was**
 15 **absolutely --**

16 A. Yes, ma'am.

17 **Q. -- I do not mind?**

18 A. Yes, ma'am. And the rest of those
 19 behind that was everything that was typed up.

20 **Q. Okay. So there's some stapled**
 21 **documents here that are just -- they are**
 22 **pleadings within this lawsuit?**

23 A. Yes, ma'am. That should be stuff
 24 that you all received.

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1 **Q. Okay.**

2 A. The only thing -- probably from
3 that picture up.

4 **Q. All right. So we have two pages**
5 **here that looks like notes regarding a**
6 **property list. A timeline for picking up**
7 **property. And then this is a picture of your**
8 **ex-wife, I am assuming?**

9 A. That is a picture of Judge Goldston
10 inside of my house holding **Exhibit 1** the
11 altered property form.

12 **Q. Okay.**

13 A. That one -- that is not the
14 original.

15 **Q. Who took this picture?**

16 A. That's off your evidence from
17 Mr. McPeake -- Mr. McPeake's evidence.

18 **Q. Okay. So that's off --**

19 A. The video.

20 **Q. -- of the video?**

21 A. Yes, ma'am.

22 MS. TULLY: Why don't we just go
23 ahead and make copies of all --

24 **Q. Okay. Do you have any objection to**

Page 28

1 A. Yes, ma'am. It was introduced
2 December 4, 2019.

3 **Q. Okay.**

4 A. But it wasn't entered in until
5 March 4th.

6 **Q. All right. Well, let's talk about**
7 **this **Exhibit 2** dated with the timestamp of**
8 **September 19, 2018.**

9 A. Okay.

10 **Q. Did you provide to your ex-wife the**
11 **property off of this property distribution**
12 **list --**

13 A. No, ma'am.

14 **Q. -- that she had been awarded?**

15 A. No, ma'am.

16 **Q. Why not?**

17 A. I didn't know I had to. I had an
18 attorney. He guided me on what to do and
19 what not to. So that's my answer. I didn't
20 know that I had to.

21 **Q. You didn't know you had to give her**
22 **the property that she was awarded through the**
23 **divorce hearing?**

24 A. At that point, ma'am, I didn't know

Page 27

1 **us having a copy of all of this?**

2 A. No, ma'am.

3 **Q. Okay. I think that's easier than**
4 **us piecemealing here.**

5 (A discussion was held off the
6 record.)

7 BY MS. TULLY:

8 **Q. Now, I don't want to continue**
9 **belaboring the point with these property**
10 **lists. What I want to get to is -- **Exhibit 2****
11 **is dated September 19, 2020, by the clerk's**
12 **timestamp?**

13 A. Yes, ma'am.

14 **Q. All right. Then it looks like**
15 ****Exhibit 1** by the clerk's timestamp is dated**
16 **March 4, 2020?**

17 A. Yes, ma'am.

18 **Q. So it appeared that on March 4th,**
19 **there was a contempt hearing; is that**
20 **correct?**

21 A. Yes, ma'am.

22 **Q. All right. It would appear to me**
23 **that this **Exhibit 1** was entered at that**
24 **point?**

Page 29

1 how many more hearings -- we already had
2 four. Her personal property was picked up on
3 March of 2018.

4 **Q. And you are looking at this --**

5 A. Timeline for picking up property.

6 **Q. -- time for picking up property?**

7 A. So her personal property was picked
8 up March of 2018. I let her go through the
9 house and get whatever she wanted.

10 **Q. Okay.**

11 A. She was well over an hour there.
12 So as far as the distribution of property, I
13 would have done exactly what my attorney
14 asked me to do.

15 **Q. Okay. Now, I understand that at**
16 **some point -- and I believe maybe it was**
17 **November of '18 -- she was supposed to come**
18 **and pick up some property from your home?**

19 A. Yes, ma'am.

20 **Q. And that was property that was on**
21 **this **Exhibit 2** property list, is that --**

22 A. It is going to closely match that.
23 But I also -- to what the -- to what the
24 order, like the photos -- Judge Goldston

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1 ordered me to copy photos. And to what the
 2 attorneys agreed to before -- this property
 3 form, it was supposed to be corrected. So I
 4 went by exactly -- I didn't give her my guns
 5 as you can see in -- on Joint Exhibit 1
 6 which is your Exhibit 2

7 **Q. Uh-huh.**

8 A. I didn't give her my guns because I
 9 paid her a thousand dollars for the guns. It
 10 is going to be under workout room --

11 **Q. Okay.**

12 A. -- third page. It is circled for
 13 hers. No, it's circled for me. Sorry. But
 14 it is -- again, it never should have been on
 15 the property form.

16 **Q. Gun safe, \$250, was circled for**
 17 **you?**

18 A. Yes.

19 **Q. Guns -- two AR-15's, three pistols**
 20 **and ammo, \$3,000 -- that was not circled?**

21 A. Right.

22 **Q. But you paid her the \$3,000 for**
 23 **that?**

24 A. I paid her a thousand dollars for

Page 31

1 that.

2 **Q. Okay. A thousand dollars?**

3 A. Yes, ma'am.

4 **Q. And was that a price that you all**
 5 **came to an agreement on?**

6 A. Yes, ma'am.

7 **Q. Okay.**

8 A. And that happened during the
 9 property exchange that we are -- you know,
 10 between Mr. Lusk and Mr. Johnson and me and
 11 my ex-wife.

12 **Q. Okay.**

13 A. That should have been took off. It
 14 looks here that she would have had that. But
 15 it is not so.

16 **Q. Okay. How about under master**
 17 **bedroom, this TV, \$100?**

18 A. Yes, ma'am.

19 **Q. Did you pay her for that TV? Or**
 20 **did you give her that --**

21 A. That's hers. The TV is not
 22 circled. So that's hers.

23 **Q. Okay. So that is circled. Did she**
 24 **have to give you money for that?**

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1 A. No, ma'am.

2 **Q. All right. So some of these that**
 3 **have dollar amounts, it wasn't because**
 4 **somebody was paying for them, it was just the**
 5 **general value that you all assigned?**

6 A. It was a value that whoever came up
 7 with this property form - Mr. Lusk or Ms.
 8 Gibson - put down.

9 **Q. Okay. All right. So she got her**
 10 **initial personal property in March of 2018?**

11 A. Yes, ma'am.

12 **Q. Is that like her clothes?**

13 A. It was clothes and whatever that
 14 was hers. She had forgot some items after
 15 that and texted me, and I give them to her;
 16 Social Security card, birth certificate, high
 17 school graduation, her softball glove. So
 18 March, she come and picked up all of her
 19 clothes and whatever else. It was -- her and
 20 her dad were there.

21 **Q. Okay.**

22 A. So I let them in. I sat on the
 23 couch. And they picked it up.

24 **Q. Okay. And then sometime**

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1 **thereafter, you all went through and divided**
 2 **up the remaining property?**

3 A. Yes, ma'am.

4 **Q. And then in November of 2018,**
 5 **that's when she was to pick the remaining**
 6 **property up?**

7 A. Yes, ma'am.

8 **Q. Did you allow her to come into your**
 9 **home then?**

10 A. No, ma'am.

11 **Q. Why not?**

12 A. There had been a lot of allegations
 13 throughout the divorce of abuse and so on.
 14 And the one thing I have learned is, I am not
 15 going to allow you -- I am not going to put
 16 myself in this situation to get a DVP put on
 17 myself. Her dad was threatening, so I just
 18 -- it was just best -- as my recording
 19 showed, it was not raining when I set it out.
 20 My whole goal was to keep it right there
 21 together so they can just get it at the edge
 22 of my property and they could leave.

23 **Q. And you recorded that?**

24 A. Yes, ma'am.

<p style="text-align: right;">Page 34</p> <p>1 Q. Okay. Have you provided that 2 recording to your attorney? 3 MR. ROBINSON: We haven't seen 4 it. 5 MR. BRYAN: I'm sorry. Which 6 recording? 7 MS. TULLY: The recording of him 8 putting the property out at the edge of his 9 property in November of 2018. 10 MR. BRYAN: I don't recall. 11 A. I can't recall. 12 Q. Do you still have that recording? 13 A. I can't recall. I would have to 14 look at it. I know the family court may have 15 it. 16 Q. Okay. 17 MR. BRYAN: Audio recording or 18 video? 19 THE WITNESS: It is a video. 20 MR. BRYAN: I don't think I have 21 seen it. 22 Q. All right. But it was raining by 23 the time she picked the property up; is that 24 correct?</p>	<p style="text-align: right;">Page 36</p> <p>1 copies of pictures; is that correct? 2 A. It is on the court record of Judge 3 Goldston. 4 Q. Is that correct, there's a 5 disagreement? 6 A. What was the question? Can you 7 rephrase it? 8 Q. As to whether or not you were to 9 provide her with the actual pictures hanging 10 on the walls or copies of those pictures. 11 A. So you said is there a 12 disagreement? 13 Q. Is there a dis- -- was there a 14 disagreement about that? You did not provide 15 those pictures; is that correct? 16 A. Yes, ma'am, I did not provide 17 those. 18 Q. Okay. It is your belief that you 19 were to provide copies of those pictures? 20 A. Yes, ma'am. 21 Q. Did you take any steps to make 22 copies of those pictures? 23 A. I did provide copies. 24 Q. And when was that?</p>
<p style="text-align: right;">Page 35</p> <p>1 A. No, ma'am. No, ma'am. 2 Q. It was not? 3 A. No, ma'am. 4 Q. Okay. 5 A. On the record, Judge Clark, who was 6 over my case -- I submitted that video while 7 Judge Goldston was over my hearing. So she 8 probably has it on the record. It is on 9 record somewhere. But Judge Clark said in 10 her own words -- I can't paraphrase her. But 11 she said, it looks like mist or heavy dew. 12 And I took pictures of cardboard boxes that 13 remained dry. 14 Q. All right. Now, my understanding 15 is though what you put out in November of 16 2018 -- there still remained items in your 17 home that Ms. Gibson had been awarded? 18 A. No, ma'am. No, ma'am. 19 Q. So you gave her everything? 20 A. I give her everything that was 21 court ordered. 22 Q. Okay. Now, I understand there is a 23 disagreement between whether you were 24 supposed to provide her with pictures or</p>	<p style="text-align: right;">Page 37</p> <p>1 A. I submitted them to her March 4th. 2 Q. And when you say her, you 3 pointed -- 4 A. I'm sorry. Judge Goldston. 5 And I also submitted them to Judge 6 Clark. I got them copied at Staples. And I 7 sent them via e-mail and over a thumb drive. 8 There's thousands of photos that I was 9 supposed to copy. So I did both. It is on 10 the thumb drive. And the pictures on the 11 walls, I submitted via e-mail. 12 Q. Okay. All right. So at some point 13 though there was a motion for contempt filed 14 against you with regard to the property 15 distribution; is that correct? 16 A. Yes, ma'am. 17 Q. All right. And there was a hearing 18 regarding this motion on March 4, 2020? 19 A. (Nods head.) 20 Q. Yes? 21 A. Yes, ma'am. Sorry. 22 Q. Okay. Were you still represented 23 by your attorney at that point? 24 A. No, ma'am.</p>

<p style="text-align: right;">Page 38</p> <p>1 Q. All right. So you handled that</p> <p>2 hearing pro se?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay.</p> <p>5 A. Sorry.</p> <p>6 Q. And that hearing began in the</p> <p>7 courtroom, correct?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. All right. And at some point</p> <p>10 during that hearing, the judge ordered you</p> <p>11 all to appear at your house on Quiet Street?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Okay.</p> <p>14 A. Quiet Oak, yes, ma'am.</p> <p>15 Q. Did you call anyone from the time</p> <p>16 that you left the courthouse till the time</p> <p>17 you arrived at your property?</p> <p>18 A. I can't recall, ma'am. I can't</p> <p>19 recall.</p> <p>20 Q. You don't know if you called an</p> <p>21 attorney?</p> <p>22 A. No, ma'am.</p> <p>23 Q. All right. I am going to show you</p> <p>24 -- okay. Hold on just a second. All right.</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. Does this video accurately reflect</p> <p>3 what occurred outside of your home on</p> <p>4 March 4, 2020?</p> <p>5 A. As far as I can tell, yes, ma'am.</p> <p>6 Q. And this is the same video taken by</p> <p>7 your girlfriend? It has not been altered in</p> <p>8 any way to your knowledge?</p> <p>9 A. I would have to go back and look --</p> <p>10 listen to the words and everything to match</p> <p>11 what I have. But it seemed like it is right.</p> <p>12 Q. I believe I received this video</p> <p>13 from your attorney.</p> <p>14 A. If you received it from him, it is</p> <p>15 the right one, ma'am.</p> <p>16 Q. All right. And then after this --</p> <p>17 after everything was finished at your home,</p> <p>18 then you all returned to Judge Goldston's</p> <p>19 courtroom, correct?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. All right. And concluded the</p> <p>22 hearing?</p> <p>23 A. Concluded -- I guess continued on</p> <p>24 to another date. Does that sound right?</p>
<p style="text-align: right;">Page 39</p> <p>1 I am going to show you a video.</p> <p>2 (Video played.)</p> <p>3 Q. Can you tell me who is taking this</p> <p>4 video?</p> <p>5 A. My girlfriend, ma'am.</p> <p>6 Q. What's her name?</p> <p>7 A. Sharon Masual, M-A-S-U-A-L.</p> <p>8 MR. BRYAN: Are you going to mark</p> <p>9 this as an exhibit?</p> <p>10 MS. TULLY: I plan to.</p> <p>11 Q. All right. This video you say was</p> <p>12 taken by your girlfriend, Sharon Masual?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Does she live with you at your</p> <p>15 home?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Okay. Why was she there that day?</p> <p>18 A. She was a witness that I was going</p> <p>19 to call for that hearing.</p> <p>20 Q. So she was at the hearing initially</p> <p>21 at the courthouse?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. And then she traveled with you to</p> <p>24 your home?</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. Okay.</p> <p>2 A. So concluded, yes, I guess.</p> <p>3 Q. Okay. Okay. All right. It is my</p> <p>4 understanding from your discovery responses</p> <p>5 that what occurred at your home on March 4,</p> <p>6 2020, has caused you some emotional distress;</p> <p>7 is that fair?</p> <p>8 A. That's fair, ma'am.</p> <p>9 Q. All right. And can you explain to</p> <p>10 me what kind of distress that caused you?</p> <p>11 A. You know, I have been in law</p> <p>12 enforcement since 1996 in some form, some</p> <p>13 fashion. And I've always been taught when</p> <p>14 you raise your right hand to the oath of the</p> <p>15 constitution that you would abide by people's</p> <p>16 rights.</p> <p>17 Little did I ever know that this</p> <p>18 could or should happen. You know, some of</p> <p>19 the guys that I have known in law</p> <p>20 enforcement, it is just -- it just -- it is</p> <p>21 wrong, ma'am. That's all I can tell you. I</p> <p>22 can't even really put it in words. It's just</p> <p>23 wrong.</p> <p>24 Q. Have you sought any kind of</p>

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1 **counseling as a result of this?**

2 A. Yes, ma'am.

3 **Q. And when did you begin seeing a**
4 **counselor?**

5 A. To the best of my recollection,
6 around the middle of March.

7 **Q. Had you seen a counselor prior to**
8 **the middle of March of 2020?**

9 A. Not for the same issue. But yes.

10 **Q. So you were currently seeing a**
11 **counselor; is that correct?**

12 A. No, I was not.

13 **Q. Okay.**

14 A. I hadn't seen a counselor -- sorry.

15 **Q. No. Go ahead.**

16 A. I probably hadn't seen him, I don't
17 know, six, eight months, a year maybe.

18 **Q. Why did you initially start seeing**
19 **a counselor?**

20 A. Marriage counseling.

21 **Q. Was that something that you did**
22 **with your ex-wife?**

23 A. No, ma'am. That is something I did
24 for myself.

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1 **Q. Okay. You started doing that after**
2 **you-all had already separated?**

3 A. No, ma'am. I did it before.

4 **Q. Okay. Who was that counselor?**

5 A. His name was Jason Moore.

6 **Q. And who is he with?**

7 A. Life Strategies.

8 **Q. Is this the same counselor that you**
9 **went to after March 4, 2020?**

10 A. Yes, ma'am.

11 **Q. What caused you to go back to him?**

12 A. Just the -- you know, talking after
13 this incident?

14 **Q. Yes.**

15 A. Just the anxiety of not really
16 believing what just happened. Again, I can't
17 hardly put it in words. It just -- you know,
18 I got a judge who -- I didn't even get a
19 chance to defend myself. This could have
20 been easily fixed if she let me defend and
21 explain my property form, here is the issues.
22 And, I mean, it would have been easy to
23 talk -- ma'am, you ordered me to do photos --
24 copy photos. And I had to copy a thousand

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1 other photos. What's the difference between
2 those eight on the wall? Do you know what
3 I mean? So if I was able to present my
4 defense --

5 Any court that I have ever been
6 involved with, you are allowed some kind of
7 due process. And it was just trampled on
8 that day. That bothered me. To say that I
9 have my faith in the justice system -- it
10 went down a notch, you know.

11 **Q. Okay. How often -- do you still**
12 **see Mr. Moore?**

13 A. Yeah. I am still under his care.

14 **Q. What are you seeing him for**
15 **currently?**

16 A. The same issue.

17 **Q. This same issue?**

18 A. Yes, ma'am.

19 **Q. So almost two years later, you are**
20 **still seeking counseling?**

21 A. Anytime that we do this, it
22 inflames it. Anytime I get a deposition --
23 you know, I have been in family court since I
24 seen Judge Goldston. Maybe seven times, I

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1 have been back to court. So this inflames
2 it.

3 **Q. How often do you see Mr. Moore?**

4 A. At one point, I was seeing him
5 weekly. Then he went bi-weekly. And so now
6 it is whenever I need --

7 **Q. Okay.**

8 A. -- I need to go back. I have my
9 daughters' basketball schedule. I've got two
10 of them playing, so ...

11 **Q. When is the last time that you saw**
12 **him?**

13 A. I can't recall.

14 **Q. Do you have a current appointment**
15 **set?**

16 A. No, ma'am.

17 **Q. In terms of -- has this had an**
18 **impact on your daily life?**

19 A. Like I said, it inflames it. But
20 as far as daily life, no, I am able to go to
21 work and stuff. But I will say it is -- you
22 know, sometimes I may take a day off for
23 stress, anytime that I have court or Kyle
24 files a case or -- my contempt hearing went

<p style="text-align: right;">Page 46</p> <p>1 on for a year, almost two years.</p> <p>2 Q. Uh-huh.</p> <p>3 A. So anytime there was a continuance</p> <p>4 or so on, it just inflamed it.</p> <p>5 Q. What was the ultimate response of</p> <p>6 your contempt hearing?</p> <p>7 A. As of last Tuesday, Judge Clark</p> <p>8 said she is going to dismiss the case against</p> <p>9 me.</p> <p>10 Q. Okay. You keep telling me that it</p> <p>11 inflames you. I need to have a better</p> <p>12 understanding of --</p> <p>13 A. I can't really put it in words,</p> <p>14 ma'am. It is a feeling of disbelief, maybe a</p> <p>15 little bit of anger. Sad that when I see a</p> <p>16 Raleigh County Sheriff's Department -- you</p> <p>17 know, I know a lot of them guys. And a lot</p> <p>18 of them -- you know, I see them driving down</p> <p>19 the road. Are they going to go search</p> <p>20 somebody else's house illegally? I mean, it</p> <p>21 has been done for 20 years. I can't believe</p> <p>22 that my only crime was I went through a</p> <p>23 divorce. It was a nasty divorce evidently.</p> <p>24 So, you know -- it is hard to put it in</p>	<p style="text-align: right;">Page 48</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. You say you sometimes have to take</p> <p>3 a day off. Is that for hearings?</p> <p>4 A. Yes, ma'am. It is for hearings.</p> <p>5 Just prepping. Anytime that I have a</p> <p>6 hearing, it -- I had a hearing last week. It</p> <p>7 is like it is a mountain when you are pro se.</p> <p>8 You are an attorney.</p> <p>9 Q. I am, yes.</p> <p>10 A. I am not. I have to study tenfold.</p> <p>11 You went to school.</p> <p>12 Q. So you're still representing</p> <p>13 yourself in your divorce hearing?</p> <p>14 A. Well, I should be done now other</p> <p>15 than child support cases. So yes.</p> <p>16 Q. Okay. Okay. So then you take a</p> <p>17 day off to prepare for your hearings and</p> <p>18 attend the hearing?</p> <p>19 A. No. Sometimes after, I take it off</p> <p>20 for stress. I have to decompress.</p> <p>21 Q. Okay. But you don't interact</p> <p>22 anymore with Judge Goldston?</p> <p>23 A. No, ma'am.</p> <p>24 Q. Okay. And in fact you have not</p>
<p style="text-align: right;">Page 47</p> <p>1 words, ma'am.</p> <p>2 Q. Okay. If this matter goes to</p> <p>3 trial, are you going to be able to find the</p> <p>4 words to explain to the jury the impact this</p> <p>5 has had on you?</p> <p>6 A. That's a good question, ma'am.</p> <p>7 Q. Well, because if you are going to</p> <p>8 be able to find them then, I would like you</p> <p>9 to try to find them today to explain to me.</p> <p>10 A. Sure. It is hard to put my</p> <p>11 emotions in words. So I'm sorry that I don't</p> <p>12 have the words for you. But my emotions are</p> <p>13 hard to explain.</p> <p>14 Q. Okay. Other than Jason Moore, have</p> <p>15 you ever sought any kind of medical treatment</p> <p>16 as a result of this?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Are you on any kind of medication?</p> <p>19 A. No, ma'am.</p> <p>20 Q. So you don't take any kind of</p> <p>21 anxiety medication?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Okay. And you are able to continue</p> <p>24 functioning and going to work?</p>	<p style="text-align: right;">Page 49</p> <p>1 since March 4, 2020; is that correct?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Can you tell me who Doug Black is?</p> <p>4 A. He is a co-worker of mine, ma'am.</p> <p>5 Q. What would Mr. Black know about</p> <p>6 this incident?</p> <p>7 A. He was there. He was in the</p> <p>8 driveway on the video. He was one of the</p> <p>9 guys that was standing in the driveway.</p> <p>10 Q. Okay. Why was Mr. Black there?</p> <p>11 A. He was a witness to the property</p> <p>12 exchange. He helped me place the items at</p> <p>13 the bottom of my driveway.</p> <p>14 Q. All right. What were you going to</p> <p>15 call Sharon -- how do you say your</p> <p>16 girlfriend's last name?</p> <p>17 A. Masual.</p> <p>18 Q. Masual. What were you going to</p> <p>19 call her as a witness to testify to?</p> <p>20 A. She was there that night that we</p> <p>21 exchanged property on November 30, 2018. She</p> <p>22 can testify what the weather was. The</p> <p>23 cardboard boxes were dry. I took care of</p> <p>24 what I could.</p>

<p style="text-align: right;">Page 50</p> <p>1 Q. Were you there when your ex-wife</p> <p>2 Carrie Gibson showed up to actually pick up</p> <p>3 the property?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. Was Ms. Masual there?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. How about Mr. Black?</p> <p>8 A. He'd done left by then, ma'am.</p> <p>9 Q. Have you discussed this incident</p> <p>10 from March 4, 2020, with Ms. Masual?</p> <p>11 A. She was there. She took the video.</p> <p>12 Q. I know. But have you discussed it</p> <p>13 since then?</p> <p>14 A. Oh, sure.</p> <p>15 Q. Okay.</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. What have you-all discussed about</p> <p>18 it?</p> <p>19 A. I mean, that's my girlfriend. So</p> <p>20 we have talked from A to Z probably on a</p> <p>21 daily basis.</p> <p>22 Q. Okay. Is this something that you</p> <p>23 talk about daily?</p> <p>24 A. Probably.</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. So that was from the November 2018</p> <p>2 property exchange?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. So he doesn't have any</p> <p>5 information regarding anything that happened</p> <p>6 on March 4th?</p> <p>7 A. He was in the driveway -- I'm</p> <p>8 sorry. I misunderstood your question. He</p> <p>9 was also in the driveway on March 4th, 2020.</p> <p>10 Q. Did he come up onto your property</p> <p>11 to see what was going on?</p> <p>12 A. Mr. Black and Mr. Carter -- which I</p> <p>13 don't know if you can see it on the video or</p> <p>14 not. When we get out of the truck, there's</p> <p>15 two guys standing there. That's them two at</p> <p>16 the top of my driveway.</p> <p>17 Q. Okay.</p> <p>18 A. Along with Sharon Masual.</p> <p>19 Q. Did they stay the entire time?</p> <p>20 A. Yes, ma'am. Until Bailiff Stump</p> <p>21 made them leave -- or Deputy Stump.</p> <p>22 Q. And Brooklyn Gibson, that's your</p> <p>23 daughter; is that correct?</p> <p>24 A. Yes, ma'am.</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. How about Mr. Black, have you</p> <p>2 talked to him about the March 4, 2020</p> <p>3 incident?</p> <p>4 A. I haven't in a while.</p> <p>5 Q. You did initially?</p> <p>6 A. Oh, yes, ma'am.</p> <p>7 Q. And what did you tell Mr. Black?</p> <p>8 A. I don't -- I can't recall.</p> <p>9 Q. Who is Tommy Carter?</p> <p>10 A. He is a co-worker of mine.</p> <p>11 Q. Is he a neighbor?</p> <p>12 A. He is a neighbor.</p> <p>13 Q. What would Mr. Carter know with</p> <p>14 regard to the March 4, 2020 --</p> <p>15 A. I don't know what he would know. I</p> <p>16 don't know what he would know.</p> <p>17 Q. Okay. Well, you have him listed as</p> <p>18 somebody who would have information.</p> <p>19 A. So he was at the bottom of the</p> <p>20 driveway -- not my driveway, the bottom of</p> <p>21 the road -- whenever we were exchanging</p> <p>22 property. And the road was blocked. So he</p> <p>23 can verify what the weather was also that</p> <p>24 night.</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Have you discussed this with</p> <p>2 Brooklyn?</p> <p>3 A. Only what I had to because it was</p> <p>4 on the news. So if she gets questioned at</p> <p>5 school -- when it hits the news, what</p> <p>6 happened?</p> <p>7 Q. Okay.</p> <p>8 A. She wasn't there that day.</p> <p>9 Q. How did this get to the news</p> <p>10 station?</p> <p>11 A. I can't answer that.</p> <p>12 Q. You have no idea?</p> <p>13 MR. BRYAN: If you know --</p> <p>14 THE WITNESS: Huh?</p> <p>15 MR. BRYAN: If you know, answer</p> <p>16 the question.</p> <p>17 Q. I believe they have showed the</p> <p>18 video on the news; is that correct?</p> <p>19 A. They have, right.</p> <p>20 Q. How did they obtain the video that</p> <p>21 your girlfriend took?</p> <p>22 THE WITNESS: I believe I give it</p> <p>23 to you, John, right?</p> <p>24 LOUISE GOLDSTON: You can't --</p>

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1 the judge in me. I'm sorry.
 2 MR. BRYAN: Don't testify as to,
 3 you know, our confidential communications.
 4 But if you recall how the news ended up with
 5 the video, then you can answer the question.
 6 You don't have to say anything we've
 7 discussed.

8 A. So by that time, I done retained
 9 Mr. Bryan. And I am assuming Mr. Bryan
 10 turned it over to the news station.

11 **Q. How quickly did you retain Mr.**
 12 **Bryan?**

13 A. I'd say -- I can't recall. But it
 14 is middle of March maybe, first week of
 15 March. Somewhere in that line.

16 **Q. So within weeks?**

17 A. Yes, ma'am.

18 **Q. All right. To have this shown on**
 19 **the news and to have this video on YouTube**
 20 **for anybody and everybody to see, has that**
 21 **caused you any kind of anxiety or emotional**
 22 **distress?**

23 A. Absolutely.

24 **Q. But that was something done by you**

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1 **and your attorney; is that correct?**

2 A. Yes.

3 **Q. Have you received comments or**
 4 **anything with regard to --**

5 A. Yes, ma'am.

6 **Q. -- this video?**

7 **Who have you received comments**
 8 **from?**

9 A. I don't know who. There has been
 10 positive and some negative.

11 **Q. Your co-workers said anything to**
 12 **you?**

13 A. Sure.

14 **Q. What kinds of things have your**
 15 **co-workers said?**

16 A. I can't recall. But it's more off
 17 the cuff like, I can't believe it. Are you
 18 kidding me, kind of stuff. Stuff like that.

19 MS. TULLY: All right. Give me
 20 just a couple of minutes, and I might be
 21 finished. Okay?

22 THE WITNESS: Okay.

23 (Break in proceedings.)

24 MS. TULLY: Mr. Gibson, I think

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1 that I am good. I don't think I have any
 2 further questions. Mr. Robinson might have a
 3 few.

4 MR. ROBINSON: Yes. I have some
 5 questions.

6 EXAMINATION

7 BY MR. ROBINSON:

8 **Q. My name is Mr. Robinson --**

9 **Mr. Robinson -- my name is Kevin Robinson.**

10 (Laughter.)

11 **Q. I represent the deputy in this**
 12 **case. And I have some questions about the**
 13 **lawsuit that you have filed.**

14 **Now, I might jump around a little**
 15 **bit. And I might ask some questions that**
 16 **she asked. And I understand I talk fast.**
 17 **You can tell me to slow down, and I will try**
 18 **to rephrase it for you. But other than**
 19 **that, I will get right into it.**

20 **I want to start out -- your family**
 21 **court case -- your divorce case is in front**
 22 **of what judge now?**

23 A. It was in front of -- I am assuming
 24 it is still in front of Judge Lisa Clark,

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1 Mercer County.

2 **Q. Okay. So it was transferred from**
 3 **Judge Goldston to Judge Clark in Mercer**
 4 **County?**

5 A. There was a slight stopping between
 6 -- with Brad Dorsey out of Nicholas County.
 7 But we never had any sworn testimony. It was
 8 more or less status conference hearings two
 9 times.

10 **Q. Okay. Let me make sure I got your**
 11 **testimony correct. Are you stating that all**
 12 **of the items that you were supposed to turn**
 13 **over to your ex-wife had already been turned**
 14 **over before the contempt hearing?**

15 A. Before March 4, 2020, is that what
 16 you're asking?

17 **Q. Is that the contempt hearing -- the**
 18 **date of the contempt hearing, March 4th?**

19 A. Yes.

20 **Q. Are you stating that all of the**
 21 **items that you were supposed to -- that you**
 22 **had been ordered to turn over had already**
 23 **been turned over to your ex-wife?**

24 A. All court items were turned over

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1 before that date, yes, sir.

2 **Q. Okay. I will have some questions**
3 **about that later, but -- okay.**

4 **This case was transferred to**
5 **another judge, correct?**

6 A. Yes, sir.

7 **Q. You said it was Dorsey. But you**
8 **didn't have any hearings?**

9 A. No.

10 **Q. It was a status hearing?**

11 A. Status conference hearings. But
12 there was no sworn testimony. Nobody raised
13 their hand.

14 **Q. What were the status conference**
15 **hearings about?**

16 A. Evidence rules as far as I can
17 recall, stuff like that.

18 **Q. Evidence rules regarding what?**

19 A. On what we are going to submit --
20 or discovery -- shall we call it discovery on
21 rules?

22 **Q. Discovery on what?**

23 A. On the contempt hearing.

24 **Q. Okay. Well, that's my question.**

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1 **You said you had already turned over**
2 **everything. But there is still a contempt**
3 **hearing going on, correct? Because I believe**
4 **you had not turned over all of the items; is**
5 **that correct?**

6 A. That was the belief. But again,
7 when we -- the time I got in front of Judge
8 Lisa Clark, I was able to rectify those
9 items. She did not allow me to testify on
10 the items that were seized from the house.
11 She didn't want any testimony on that.

12 **Q. What did she take testimony on?**

13 A. Basically the claim of if the items
14 were damaged or not.

15 **Q. Okay. And how many times did you**
16 **go before Judge Clark?**

17 A. She had a status conference
18 hearing. Then we had one -- we are talking
19 about just for contempt, right?

20 **Q. No. All hearings you had in front**
21 **of Judge Clark.**

22 A. Child support too, and all of that?

23 **Q. Yes.**

24 A. I believe four would be the proper

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1 number.

2 **Q. Okay. Four altogether?**

3 A. Yes.

4 **Q. So you had no hearing -- you didn't**
5 **have any hearing in front of Judge Clark**
6 **regarding any property that they claimed you**
7 **did not turn over?**

8 A. She would not allow if any -- any
9 property that was seized that day, she took
10 zero testimony. I tried to object to it
11 and --

12 **Q. What do you mean you tried to**
13 **object to it? Sorry for interrupting. But**
14 **what do you mean you tried to object to it?**

15 A. I objected to it.

16 **Q. Oh, you mean you objected to the**
17 **property attempt from your home? That's what**
18 **you're saying?**

19 A. Yes, sir.

20 **Q. You are saying Judge Clark would**
21 **not allow any testimony on that?**

22 A. She would not allow it. She said
23 the proper authorities -- if I am misquoting
24 here -- have already -- or it's under

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1 investigation, so forth and so on.

2 **Q. Well, you were not ordered to turn**
3 **over any other property to your ex-wife after**
4 **the incident --**

5 A. No, sir.

6 **Q. -- that's the subject of this**
7 **matter?**

8 A. No, sir.

9 **Q. Okay. And the only testimony that**
10 **was taken was regarding damaged property?**

11 A. (Nods head.)

12 **Q. Is that a yes or no?**

13 A. Yes, sir.

14 **Q. Sorry.**

15 **And you are saying you had video of**
16 **this damaged property?**

17 A. I have no video of no damaged
18 property.

19 **Q. Okay. I might have misunderstood**
20 **your testimony earlier. Did you say you took**
21 **video of you taking property out and putting**
22 **it at the end of --**

23 A. I have property of -- I have a
24 video of the property that I sat at the

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1 bottom of my driveway, yes.

2 **Q. What do you mean you have a video**
 3 **of it? You just have a video of the thing**
 4 **that you took? Or do you have a video of you**
 5 **taking it and putting it out front?**

6 A. I have video -- we carried it down,
 7 myself and Doug Black. And I videoed the
 8 condition, the weather, and everything that
 9 was sat out.

10 **Q. Okay. Did you play that video in**
 11 **court?**

12 A. I did for Judge Lisa Clark, yes.

13 **Q. Did she take possession of that**
 14 **video?**

15 A. Yes, sir.

16 **Q. Okay.**

17 A. If this will help you -- if you are
 18 looking for it, I will help you with it. It
 19 was the September 2020 hearing.

20 **Q. Was Kyle Lusk there?**

21 A. Yes, sir.

22 **Q. Okay. And it is your testimony**
 23 **that it did not rain on her property?**

24 A. No, ma'am -- or no, sir. Sorry.

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1 **Q. No, ma'am, that's fine.**

2 (Laughter.)

3 **Q. Okay. You say child support case.**
 4 **Do you have a problem paying child support,**
 5 **or is that just something that is part of the**
 6 **divorce case?**

7 A. I don't pay child support, sir.

8 **Q. Are you supposed to pay child**
 9 **support?**

10 A. No, sir.

11 **Q. Why is that?**

12 A. Because my wife pays me child
 13 support.

14 **Q. Okay. But you have custody of**
 15 **Brooklyn?**

16 A. Yes, sir.

17 **Q. And she has custody of Sky?**

18 A. Yes, sir.

19 **Q. Okay.**

20 A. So I guess indirectly I do pay.
 21 But it lowers her amount.

22 **Q. Okay. Is Sharon Masual still your**
 23 **girlfriend?**

24 A. As far as I know, yes, sir.

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1 **Q. As far as you know?**

2 A. Yes, sir.

3 **Q. Okay. All right. How long have**
 4 **you two been together?**

5 A. This is tape-recorded?

6 **Q. Yeah. We won't play it for her if**
 7 **you don't know for sure.**

8 (Laughter.)

9 **Q. We can redact that part.**

10 A. Yeah. Four years, sir.

11 **Q. Four years. And you two don't have**
 12 **any children together?**

13 A. Thank God. No, sir.

14 **Q. You might want to redact all of**
 15 **this.**

16 **How old is she?**

17 A. Forty-five, sir.

18 **Q. You don't reside together?**

19 A. No, sir.

20 **Q. Where does she live?**

21 A. She lives on -- she lives in the
 22 neighborhood.

23 **Q. Okay.**

24 A. She lives in the Oaks neighborhood.

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1 **Q. Does she have any children?**

2 A. Yes, sir.

3 **Q. How many children does she have?**

4 A. Two boys.

5 **Q. How old are they?**

6 A. Twelve and -- I'm sorry -- 13. His
 7 birthday just happened. And 14.

8 **Q. What are their names?**

9 A. Jonas and Gabriel. We call him
 10 Gabe. I can't spell it.

11 **Q. Masual?**

12 A. Yes, sir.

13 **Q. The property that is the subject of**
 14 **this litigation -- the home is 113 Quiet Oak**
 15 **Street?**

16 A. Quiet Oak Street, yes, sir.

17 **Q. And you and your wife bought this**
 18 **property together?**

19 A. Yes, sir.

20 **Q. But only your name is on the title?**

21 A. Yes, sir.

22 **Q. Was her name ever on the title?**

23 A. It was before -- it was before I
 24 was court ordered to remove her from the

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1 title.

2 **Q. Oh, okay. Has anybody else ever**
 3 **been on the title of the house?**

4 A. Just the bank.

5 **Q. From looking at video, it has a**
 6 **yard -- it is a large yard, correct?**

7 A. I wouldn't call it -- I mean, it
 8 might be a third of an acre. When I am
 9 mowing it, it feels larger. But keep going.

10 **Q. And how many stories in your home?**

11 A. I would call it a two-story. Some
 12 people think -- they call it tri-level maybe.

13 **Q. Why did you and Ms. Gibson get**
 14 **divorced?**

15 A. Probably -- probably a good
 16 question.

17 **Q. Any cheating going on?**

18 A. No.

19 **Q. Any physical abuse?**

20 A. No, sir.

21 **Q. You made reference to it earlier**
 22 **that there may have been some accusation of**
 23 **it. Did she accuse you of that?**

24 A. I mean, no -- no verbal abuse, no.

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1 No adultery. It was -- you know, anytime --

2 **Q. What about physical abuse?**

3 A. No. No physical abuse, no.

4 **Q. Okay. Because you also said**
 5 **something about her father got upset about**
 6 **something. What did her father get upset**
 7 **about?**

8 A. Anytime through a divorce, they are
 9 going to get her back regardless. So he
 10 always wants to confront. So I just really
 11 stay out of the way. At ball games, I will
 12 sit to the furthest end of the gym from him.
 13 I want zero trouble.

14 **Q. Confront you about what?**

15 A. Just whatever. I mean, I don't
 16 know what they are mad about. I don't know.

17 **Q. What's her father's name?**

18 A. Paul Payne.

19 **Q. Payne?**

20 A. P-A-Y-N-E.

21 **Q. And he was there on the day of the**
 22 **incident, correct?**

23 A. Yes, sir. So was her brother, and
 24 I believe it was her boyfriend. There was --

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1 **Q. What's her boyfriend's name?**

2 A. Jeff.

3 **Q. What's his last name?**

4 A. Presley, I believe.

5 **Q. Jeff Presley. Do you know how long**
 6 **they have been together?**

7 A. I don't. It is more than a couple
 8 years, I would say.

9 **Q. How long did you -- how long after**
 10 **you got divorced from your wife did you start**
 11 **dating your current girlfriend?**

12 A. After I got divorced? I was dating
 13 her throughout the proceedings.

14 **Q. Okay. So you were with her**
 15 **throughout the court proceedings?**

16 A. I think I started dating her in
 17 June. My final was in September. So June of
 18 '18 would sound right. So it is almost
 19 four years.

20 **Q. So you were dating her before you**
 21 **were physically divorced; is that correct?**

22 A. Yes, sir.

23 **Q. You're currently employed with the**
 24 **Federal Bureau of Prisons, correct?**

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1 A. Yes, sir.

2 **Q. Is that the one that is in like**
 3 **Beaver?**

4 A. Yes, sir.

5 **Q. You say your job there is a**
 6 **foreman?**

7 A. Yes, sir.

8 **Q. And you also -- I think you said**
 9 **earlier you had been in law enforcement since**
 10 **1996?**

11 A. Yes, sir.

12 **Q. Have you been at the Federal Bureau**
 13 **of Prisons since 1996?**

14 A. 2001, sir.

15 **Q. 2001. Okay.**

16 **And what type of law enforcement**
 17 **job did you have before 2001?**

18 A. I was an Air Force police officer.

19 **Q. Okay. My dad was in the Air Force**
 20 **too.**

21 A. Good man.

22 **Q. What was your first job at the**
 23 **Federal Bureau of Prisons?**

24 A. I was a corrections officer, sir.

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1 **Q. So you do have correction officer's**
2 **training then, correct?**

3 A. You know, it probably doesn't
4 matter to you guys. But everybody in the
5 Federal Bureau of Prisons is considered a
6 corrections officer first. We don't have --
7 when something kicks off, everybody responds.
8 Everybody is supposed to know what to do,
9 whether it be a secretary, a foreman, a
10 facilities guy, a food dude. Everybody is
11 supposed to know. That way you ain't got
12 half the people standing around looking
13 around.

14 **Q. What do you mean when something**
15 **kicks off?**

16 A. When there is a disturbance or a
17 fight or any major incident -- sorry. I am
18 talking prison to you.

19 **Q. No. Well, my dad retired from**
20 **there -- not from federal, but from the**
21 **state. So I know a little bit about all of**
22 **this.**

23 A. So the state, the difference is --
24 there is custody and non-custody. And

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1 non-custody stands there and watches while
2 things go down. You may be outmanned. And
3 they basically don't help.

4 **Q. Okay. So do you have any training**
5 **to be a corrections officer?**

6 A. Every year we take it, sir.

7 **Q. Okay. That's everybody in the**
8 **Federal Bureau of Prisons?**

9 A. Yes, sir.

10 **Q. Okay. So they give you training on**
11 **following orders, correct?**

12 A. Yes, sir.

13 **Q. Following judicial orders?**

14 A. (Nods head.)

15 **Q. Yes?**

16 A. I mean, judicial orders, I can't
17 say that they train us in that. So the
18 answer is no, I don't have any specific
19 training on that.

20 **Q. Well, I would guess you were**
21 **intake, and you said out-take?**

22 A. I was receiving a discharge.

23 **Q. Okay. I would assume you would get**
24 **an order from the federal court releasing**

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1 **somebody, correct?**

2 A. You know what, yes, sir. Okay.

3 Yeah. Sorry. I misinterpreted the question.

4 **Q. That's all right. So they send you**
5 **an order to release somebody, you can't say,**
6 **no, I am not going to release them?**

7 A. No. You'd better do it.

8 **Q. Okay. You served in the Air Force,**
9 **correct?**

10 A. Yes, sir.

11 **Q. How long?**

12 A. About a year of active duty.

13 **Q. Where were you stationed?**

14 A. Seymour Johnson Air Force Base.

15 **Q. Where is that located?**

16 A. Goldsboro, North Carolina.

17 **Q. Where did you do your training?**

18 A. Lackland Air Force Base. And then
19 Camp Bullis, which is the Army there
20 connected to Lackland.

21 **Q. Did you receive an honorable**
22 **discharge or a dishonorable discharge?**

23 A. Honorable.

24 **Q. Okay. And when was that?**

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1 A. 19 -- June of '96 through March of
2 1997 was my active duty time.

3 **Q. You weren't in there very long**
4 **then, were you?**

5 A. No. I got out under a humanitarian
6 discharge, which is honorable. My dad got
7 sick, and I had to take care of him.

8 **Q. All right. Ever been convicted of**
9 **a crime?**

10 A. Oh, yeah.

11 **Q. You have? Yeah?**

12 A. No. I didn't hear you. What was
13 your question?

14 **Q. Have you ever been convicted of a**
15 **crime?**

16 A. No, sir.

17 **Q. Okay. You just had a failure to**
18 **yield in 1999?**

19 A. Yes, sir.

20 **Q. And speeding and illegal window**
21 **tint, correct?**

22 A. Yes, sir.

23 Sheww. Sorry.

24 **Q. Have you ever been charged with a**

<p style="text-align: right;">Page 74</p> <p>1 crime?</p> <p>2 A. You know, I had a reckless driving</p> <p>3 before I went in the Air Force.</p> <p>4 Q. Oh, okay.</p> <p>5 A. But it was dropped. So 1995-ish.</p> <p>6 But it was dropped.</p> <p>7 Q. Was that for driving too fast or</p> <p>8 drunk driving?</p> <p>9 A. No. I don't even drink. I am</p> <p>10 assuming it was driving too fast.</p> <p>11 Q. You are assuming it was driving too</p> <p>12 fast?</p> <p>13 A. Yes, sir.</p> <p>14 Q. You don't know why he pulled you</p> <p>15 over for reckless driving?</p> <p>16 A. 1995, on prom night, a buddy of</p> <p>17 mine was going like this through Crab</p> <p>18 Orchard.</p> <p>19 Q. You and your buddy were racing?</p> <p>20 A. No, sir.</p> <p>21 Q. It was on prom night?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Okay. Got somebody in the car with</p> <p>24 you at the time?</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. I think it was filed around 2017?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And you hired Brandon Johnson?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. Was he referred to you, or</p> <p>6 was he somebody you picked out of the phone</p> <p>7 book?</p> <p>8 A. No. He was referred to me.</p> <p>9 Q. Okay. And your wife has always had</p> <p>10 Kyle Lusk?</p> <p>11 A. As far as I know, sir.</p> <p>12 Q. When did she move out of the</p> <p>13 113 Quiet Oak Street residence?</p> <p>14 A. I am assuming it was the date of</p> <p>15 separation. I think it was September 30,</p> <p>16 2017.</p> <p>17 Q. She just decided to up and leave?</p> <p>18 Or was she court ordered to leave?</p> <p>19 A. No. She left, sir.</p> <p>20 Q. Okay. Where did she go?</p> <p>21 A. I believe she lived with her mom.</p> <p>22 Q. Okay. Are her parents married?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Did she move out before or after</p>
<p style="text-align: right;">Page 75</p> <p>1 A. Yes, sir.</p> <p>2 Q. I am assuming it was your prom</p> <p>3 date?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. Ever sued anybody else</p> <p>6 before?</p> <p>7 A. No, sir.</p> <p>8 Q. Okay. Have you ever filed for</p> <p>9 Social Security disability?</p> <p>10 A. No, sir.</p> <p>11 Q. Not taking any medications right</p> <p>12 now?</p> <p>13 A. No, sir.</p> <p>14 Q. All right. Never been on Medicaid</p> <p>15 or anything like that?</p> <p>16 A. Medicaid?</p> <p>17 Q. Yeah.</p> <p>18 A. No, sir.</p> <p>19 Q. Or Medicare?</p> <p>20 A. No, sir.</p> <p>21 Q. You might have answered this</p> <p>22 before. Who initiated the divorce between</p> <p>23 you and your wife?</p> <p>24 A. The wife, sir.</p>	<p style="text-align: right;">Page 77</p> <p>1 the divorce petition was filed?</p> <p>2 A. Before, sir.</p> <p>3 Q. And then did she take anything from</p> <p>4 the house when she moved out?</p> <p>5 A. Yes, sir.</p> <p>6 Q. What did she take?</p> <p>7 A. I can't recall. She took some</p> <p>8 personal property that day. I let her have a</p> <p>9 key up until the April 2018 hearing. So she</p> <p>10 was in and out of the house, you know,</p> <p>11 several times.</p> <p>12 Q. Okay.</p> <p>13 A. And then the official come get your</p> <p>14 stuff was March of 2018.</p> <p>15 Q. She was in and out of the house</p> <p>16 several times in between then, you said?</p> <p>17 A. Yes, sir. She pulled some stuff</p> <p>18 off of the computer, I do recall that.</p> <p>19 Q. What do you mean she pulled some</p> <p>20 stuff off of the computer?</p> <p>21 A. She had some forms or something.</p> <p>22 Q. Was she ever there when you weren't</p> <p>23 there?</p> <p>24 A. Yes, sir.</p>

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1 **Q. There are a lot of docs I had to go**
 2 **through over here. You said there was a time**
 3 **when she officially came and got a bunch of**
 4 **stuff?**

5 A. Right. After the January hearing,
 6 I do believe that -- I think it was brought
 7 up that she should be allowed to go back to
 8 the house and collect her items. So we set a
 9 date, which was March -- March of 2018. Her
 10 and her father come and retrieved those
 11 items.

12 **Q. What items were those?**

13 A. Her personal property.

14 **Q. All of the ones that is on this**
 15 **property list?**

16 A. No, sir. That was the marital
 17 items right there. That was what was
 18 divided. Her personal items, she picked up
 19 prior.

20 **Q. I don't do a whole lot of family**
 21 **law stuff. So that's why I'm trying to**
 22 **figure out all of this stuff.**

23 A. I can tell you what I seen. She
 24 carried her clothes out. She took a computer

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1 screen because she works from home --
 2 computer screen. Clothing. She ran through
 3 all of the closets, all of the doors and all
 4 of that to get whatever she needed.

5 **Q. You were there when all of this**
 6 **took place?**

7 A. Yes, sir.

8 **Q. Okay. So when she moves out, she**
 9 **takes her personal property; is that correct?**

10 A. Yes, sir.

11 **Q. Was anybody with her when she moved**
 12 **out and taking her personal property?**

13 A. No. She just -- she moved out at
 14 that point with several suitcases.

15 **Q. Did she have a car, a vehicle?**

16 A. Yes, sir.

17 **Q. What kind of vehicle did she have?**

18 A. She had a Yukon Denali 2015 at that
 19 time.

20 **Q. You can't recall what all she took**
 21 **out of there at that time?**

22 A. I didn't inventory it. She had
 23 several suitcases, maybe a trash bag or so.
 24 A handful of stuff.

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1 **Q. Okay. And then I guess the next**
 2 **time she picks up -- I guess -- are there**
 3 **other times -- strike that.**

4 **She moves out of the home. And**
 5 **when was that?**

6 A. September 30th of 2017.

7 **Q. Okay. When was the stuff laid out**
 8 **at the bottom of your driveway?**

9 A. November 30 of 2018.

10 **Q. Did she come into your home at any**
 11 **point in time to remove things?**

12 A. Yes, sir.

13 **Q. Do you know what she removed out of**
 14 **the home?**

15 A. Yes, sir. She come back for the
 16 March of 2018 property pickup with her dad.
 17 So that's a few months later.

18 **Q. Okay.**

19 A. She picked up the rest of her
 20 clothing and items -- her personal items.

21 **Q. Did she say, hey, I am coming back**
 22 **for other stuff at that time?**

23 A. After March, there was a text
 24 message or two, hey, I've forgotten my birth

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1 certificate and softball glove, will you
 2 bring it to me? I said, sure.

3 **Q. And you brought it to her?**

4 A. Yes, sir.

5 **Q. Okay. My question is, why was her**
 6 **stuff put out at the bottom of the driveway?**
 7 **Why can't you just sit there and wait for her**
 8 **to come pick it up?**

9 A. At that point, the -- you know,
 10 family court in my opinion allows a lot of
 11 dissension that doesn't need to be when you
 12 start making claims of abuse and this and
 13 that. And people's -- you know, when you go
 14 through a divorce, in my opinion, it is
 15 highly contentious. And it can be, or it
 16 shouldn't be. At that point, I didn't feel
 17 it would be smart to let her in my house.

18 **Q. Did she make a claim of abuse**
 19 **against you in open court in front of Judge**
 20 **Goldston?**

21 A. Yes. Her attorney did.

22 **Q. Her attorney did. What did Judge**
 23 **Goldston do?**

24 A. Nothing.

<p style="text-align: right;">Page 82</p> <p>1 Q. Do you recall what hearing this 2 was? 3 A. I don't. January. It might have 4 been April. I don't know. Matter of fact, 5 Kyle Lusk just did the same thing in Judge 6 Lisa Clark's courtroom in September -- or I'm 7 sorry -- last week. 8 Q. Claim of physical abuse or what? 9 A. No. No. Verbal. 10 Q. Oh, just verbal abuse? 11 A. Uh-huh. 12 Q. Oh, okay. So the abuse you said 13 that she alleged in front of Judge Goldston 14 was just verbal abuse? 15 A. Verbal. 16 Q. What kind of verbal abuse is it? 17 A. I don't know. 18 Q. Well, I mean -- 19 A. At this point -- 20 Q. What did she allege? 21 A. It never was elaborated. Just, you 22 know, he -- I think Kyle Lusk said he was 23 verbally abusive, a controlling man, 24 da-da-da.</p>	<p style="text-align: right;">Page 84</p> <p>1 about during the property exchange between 2 Mr. Lusk and Mr. Johnson and me and my 3 ex-wife. 4 My tree stand is still on their 5 property. And they wouldn't give it to me. 6 So there was no way I was going to let them 7 in my garage. If they are going to take my 8 tree stand, I am not going to let them in my 9 garage. And I put it down at the bottom of 10 the driveway for the least amount of 11 resistance. I didn't want no issues. 12 Q. Okay. Clarify something. Who got 13 your tree stand? You said your ex-wife had 14 your tree stand? 15 A. Ex-wife's dad and brother. 16 Q. So they came in there and took it 17 one day? 18 A. No. He was on our hunting lease. 19 And when I asked for them to get it back, 20 they wouldn't give it back. 21 Q. Okay. I might be a little confused 22 here. You said it is on some hunting 23 property? 24 A. Hunting lease, yes, sir.</p>
<p style="text-align: right;">Page 83</p> <p>1 MR. ROBINSON: Do ya'll know if 2 we have any transcripts or not? 3 MS. TULLY: Family court cases 4 are sealed. 5 MR. ROBINSON: I am saying do we 6 have them? 7 MS. TULLY: No. Because -- 8 A. Just on an aside here, as Judge 9 Lisa Clark said, the ship has sailed. I just 10 hope to get on it and buy a ticket. 11 Q. Okay. So she's claiming there were 12 allegations of verbal abuse is the reason you 13 set all of her stuff out and into the 14 driveway? 15 A. I mean, I live on the top of a 16 hill. And you can't sit it at the top of the 17 driveway. 18 Q. Why can't you? 19 A. Because it would roll. It is very 20 steep. 21 Q. What would roll? 22 A. There was stuff that was on a 23 trailer. And again, I didn't want them in my 24 garage. This is something that was talked</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. Oh, okay. All right. Where is the 2 hunting property located? 3 A. It's in Dawson, West Virginia. 4 Q. I don't know where that is. 5 A. Towards Lewisburg. It is the exit 6 to the right. 7 Q. And you claim that their tree stand 8 is on -- 9 A. My tree stand -- 10 Q. -- is on -- 11 A. -- is on a hunting lease. And I 12 asked to go retrieve it. And they said no. 13 So it just wasn't worth the argument. It's 14 not worth the couple hundred dollars. 15 Q. Did you bring that in front of 16 Judge Goldston? 17 A. No. 18 Q. Okay. 19 A. At some point, I am not going to 20 argue over everything. 21 (A discussion was held off the 22 record.) 23 BY MR. ROBINSON: 24 Q. I think we were talking about a</p>

<p style="text-align: right;">Page 86</p> <p>1 tree stand on some hunting property, correct?</p> <p>2 A. Yes, sir.</p> <p>3 Q. I think you said there was some</p> <p>4 property that was on a trailer. And that's</p> <p>5 the reason why you didn't want to put it at</p> <p>6 the top, and then make it roll down I guess</p> <p>7 the hill or something like that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. How big is this trailer?</p> <p>10 A. It's a five-by-eight trailer.</p> <p>11 Q. Okay.</p> <p>12 A. It was big items -- I mean, I</p> <p>13 carried them out of the house -- a couch, a</p> <p>14 treadmill.</p> <p>15 Q. Did Doug Black help you carry it</p> <p>16 out?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And it was a couch, a treadmill?</p> <p>19 A. A few other odds and ends.</p> <p>20 Q. Okay. And when was this done?</p> <p>21 What time of the year?</p> <p>22 A. November -- we placed it on the</p> <p>23 trailer in November of 2018.</p> <p>24 Q. It probably would have been cold</p>	<p style="text-align: right;">Page 88</p> <p>1 A. The ground was wet, yes.</p> <p>2 Q. You set the couch on the wet</p> <p>3 ground?</p> <p>4 A. No, no, no. Couch was on the</p> <p>5 trailer.</p> <p>6 Q. Was the trailer wet?</p> <p>7 A. No. Trailer was stored in the</p> <p>8 garage.</p> <p>9 Q. Okay. And you say she came and</p> <p>10 picked it up 30 minutes later?</p> <p>11 A. Yes, sir.</p> <p>12 Q. But did you say that Judge Clark</p> <p>13 believed that it came from like mist or dew?</p> <p>14 A. Her exact words were, it looks like</p> <p>15 mist or heavy dew.</p> <p>16 Q. Okay.</p> <p>17 A. Again, my video will show that the</p> <p>18 boxes were dry.</p> <p>19 Q. But you don't have that video</p> <p>20 anymore?</p> <p>21 A. I would have to see it. It is on</p> <p>22 court record. I turned it in to Judge Clark.</p> <p>23 Q. Judge Clark?</p> <p>24 A. It should be September 20th, I</p>
<p style="text-align: right;">Page 87</p> <p>1 around that time, correct?</p> <p>2 A. It was the fall weather.</p> <p>3 Q. Did you put it out in the morning</p> <p>4 or at night?</p> <p>5 A. Her property?</p> <p>6 Q. Yes.</p> <p>7 A. It was about 30 minutes before they</p> <p>8 picked it up.</p> <p>9 Q. Okay. So you say it probably was</p> <p>10 only sitting there for 30 minutes before she</p> <p>11 came and picked it up?</p> <p>12 A. No more than an hour. Thirty</p> <p>13 minutes to an hour.</p> <p>14 Q. Okay. And you said it had not</p> <p>15 rained, correct?</p> <p>16 A. No, sir.</p> <p>17 Q. But you --</p> <p>18 A. The day of.</p> <p>19 Q. The day of? It had rained the day</p> <p>20 of?</p> <p>21 A. Right. So when I got home, it</p> <p>22 wasn't raining. So I made the decision just</p> <p>23 to keep peace, to put it at the bottom.</p> <p>24 Q. Now, was it wet outside?</p>	<p style="text-align: right;">Page 89</p> <p>1 think.</p> <p>2 Q. September 20. We will try to get</p> <p>3 it. But if everything is sealed ...</p> <p>4 All right. So you believe that</p> <p>5 when you put all of her stuff out front of</p> <p>6 your residence for her to pick up, that was</p> <p>7 all of the items that she was ordered --</p> <p>8 that you were ordered to turn over, correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Therefore, after that, you didn't</p> <p>11 have to turn over any other items?</p> <p>12 A. No, sir.</p> <p>13 Q. Was Brandon Johnson still your</p> <p>14 attorney at the time?</p> <p>15 A. I am going to correct this. When I</p> <p>16 went back to the hearing, Judge Goldston</p> <p>17 ordered me to turn over one more picture.</p> <p>18 Q. Okay.</p> <p>19 A. But yes, after March 4th, I was not</p> <p>20 ordered by anybody else to turn anything else</p> <p>21 over.</p> <p>22 Q. Okay. But Kyle Lusk at some point</p> <p>23 filed a contempt charge against you, correct,</p> <p>24 alleging that you didn't -- had not turned</p>

<p style="text-align: right;">Page 90</p> <p>1 over everything; is that correct? 2 A. That was the hearing -- that was 3 the -- it started off December 4th, 2019. 4 And then it carried over to March 4th, the 5 day of the incident. 6 Q. What happened at the December 4th 7 hearing? What happened at that hearing? 8 A. Mr. Lusk was ordered to turn over 9 discovery by a certain time, and he didn't. 10 And so Judge Goldston, I do believe, give me 11 a continuance until March 4th. 12 Q. What was Kyle Lusk required to turn 13 over? 14 A. Their video, their witness list, 15 some other documents I can't recall. 16 Q. Okay. 17 A. But the main thing was a witness 18 list and video so I could actually review it 19 and look at it. 20 Q. And then you say Judge Goldston 21 continued that hearing, correct -- 22 A. Yes, sir. 23 Q. -- in order for Kyle Lusk to give 24 you those items?</p>	<p style="text-align: right;">Page 92</p> <p>1 A. I'm assuming he said -- I don't 2 know what he said. I cannot recall. I mean, 3 we had hearings. So he might have said it in 4 the December 4th hearing. 5 Q. Okay. But my question is -- I 6 mean, somebody at some point had to say, hey, 7 you haven't turned over all of these items, 8 you need to turn them over. My question is, 9 did you say to somebody, I don't know what 10 you're talking about, I thought we turned 11 over everything? 12 A. I tried saying it March 4th, but I 13 was never able -- 14 Q. March 4th was the contempt hearing, 15 correct? Okay. Talking about before that. 16 A. Other than December 4th -- he did 17 the complaint at whatever date. So up until 18 December 4th, I don't think I even spoke. If 19 I did speak -- I don't remember December 4th. 20 Q. How do you know there was a 21 contempt hearing on March 4th? 22 A. Because Judge Goldston rescheduled 23 me on March 4th. 24 Q. Do you know when she sent out this</p>
<p style="text-align: right;">Page 91</p> <p>1 A. Yes, sir. 2 Q. Okay. The next hearing is the 3 contempt hearing? 4 A. March 4, 2020. 5 Q. Okay. Did you have -- were you 6 still being represented by Brandon Johnson at 7 that time? 8 A. No, sir. 9 Q. Did you have any discussions with 10 Kyle Lusk in between that December hearing 11 and the March hearing regarding property that 12 had not been turned over? 13 A. He called the house on March 3rd of 14 2020 to the message -- again, I am -- I am 15 going to paraphrase. He offered me a 16 settlement of \$5,000. He said he'd talk to 17 the courts. He later said he didn't. Saying 18 that \$5,000, he would let me out of the case 19 basically. Again, I am paraphrasing. I 20 don't have the -- 21 Q. Okay. He said -- I'm assuming at 22 some point he had to say, hey, you have not 23 turned over all of these items. Did he ever 24 tell you that?</p>	<p style="text-align: right;">Page 93</p> <p>1 notice of the hearing? 2 A. No, sir. 3 Q. Okay. 4 A. She might have told me on the 5 December 4th hearing. 6 Q. Okay. 7 A. But there was a notice sent out 8 too -- they don't always do that. 9 Q. They don't always send out notices 10 of hearings? 11 A. Yeah. They normally do. 12 Q. Okay. And you say your girlfriend 13 never lived at your house? 14 A. No, sir. 15 Q. Okay. Hold on. I'm going over 16 some of this stuff I think you've already 17 gone over. 18 At any time between December 4, 19 2019, and March 4, 2020, did you try to give 20 your wife back any other items? 21 A. Could you repeat your question? 22 Q. At any time between December 4, 23 2019 -- which is the -- I guess the hearing 24 where you requested Kyle to turn over</p>

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1 **discovery; is that correct?**

2 A. Yes, sir.

3 **Q. -- until March 4, 2020, when I**

4 **believe is the contempt hearing, did you try**
5 **to give your wife back any of her items?**

6 A. No, sir. Because I give her all of
7 the court-ordered items, sir.

8 **Q. Okay. I believe you said you gave**
9 **your wife copies of pictures. What do you**
10 **mean by copies? Do you mean like**
11 **photocopies? Or are they actually --**

12 A. I was ordered -- during the April
13 of 2018 hearing that I had in front of Judge
14 Goldston, the debate came over pictures, on
15 how we were going to put them on. So my
16 ex-wife said that she would supply me with
17 DVDs or a thumb drive. So it was decided
18 then that I would do digital copies that she
19 could print, however she wanted, and we'd
20 split the cost if that would be the case.

21 **Q. Oh, okay. That's what you did, was**
22 **digital copies?**

23 A. Digital copies.

24 **Q. Oh, okay.**

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1 A. So I took it to Staples and got it
2 professionally --

3 **Q. Oh, okay. All right.**

4 **How did you tell her to come pick**
5 **her property up at the bottom of the**
6 **driveway? Did you text her or call her?**

7 A. I texted her.

8 **Q. Do you still have a copy of that**
9 **text?**

10 A. I don't know. I changed phones. I
11 would have to look for it.

12 **Q. Who was your phone carrier at the**
13 **time?**

14 A. At the time was -- going to be
15 Sprint. Yeah. That's the one over beside
16 Food Lion, right? Sprint?

17 **Q. I guess.**

18 A. Mobile, TG Mobile, Sprint.

19 **Q. Do you remember your phone number**
20 **at the time?**

21 A. Yeah. The same as it is now.

22 **Q. What is it?**

23 A. 304-673-2986.

24 **Q. And that wasn't some type of --**

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1 **they call them burner phones. That wasn't**
2 **some type of like prepaid phone or anything**
3 **like that, was it?**

4 A. No, sir.

5 **Q. Were your kids at home when you**
6 **left the items at the bottom of the driveway?**

7 A. Yes, sir.

8 **Q. Both Brooklyn and Skyler?**

9 A. Yes, sir.

10 **Q. How old are they now?**

11 A. Skyler is 12, turns 13 in March.
12 Brooklyn turned 18 in December.

13 **Q. Okay. I will direct your attention**
14 **to March 4, 2020. That's the day of the**
15 **incident, the subject of this litigation.**

16 **How did you get to the courthouse that day?**

17 A. March 4th, I drove, sir.

18 **Q. Okay. Was anybody riding with you?**

19 A. Sharon Masual.

20 **Q. Had she stayed the night with you**
21 **at your house?**

22 A. No, sir.

23 **Q. Did you go pick her up, or did she**
24 **walk down there?**

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1 A. I think she drove to my house.

2 **Q. Did you say she lives near you?**

3 A. Yes, sir.

4 **Q. Okay. Did you bring any witnesses**
5 **to the courthouse?**

6 A. They drove in their own cars.

7 **Q. Who were they?**

8 A. Doug Black and Tommy Carter.

9 **Q. I think you said -- did they both**
10 **work with you?**

11 A. Yeah. Doug is retired. Tommy
12 still works with me.

13 **Q. Okay. What does Tommy do?**

14 A. Tommy is a case manager
15 coordinator.

16 **Q. Okay. And is Doug Black still**
17 **around?**

18 A. He is retired. He is somewhere.

19 **Q. In Raleigh County?**

20 A. I believe. But he travels a lot.

21 **Q. Okay. Doug Black, what is he going**
22 **to testify to?**

23 A. For the --

24 **Q. At the hearing. At that March 4,**

<p style="text-align: right;">Page 98</p> <p>1 2020 hearing, what would he have testified 2 to? 3 A. He is going to say that -- or I 4 can't tell you what he is going to say. But 5 he helped me carry the property down. And 6 how the weather was when he left. He left 7 about 30 minutes or an hour prior to. 8 Q. He left 30 or an hour prior to 9 what? 10 A. To the actual pickup. 11 Q. Okay. But you said that the stuff 12 was only out there for 30 minutes, correct? 13 A. Yes, sir. I said 30 minutes, no 14 more than an hour. But yes, sir. 15 Q. What was no more than an hour? The 16 stuff laying out there -- 17 A. Yes, sir. 18 Q. -- or the time he left? 19 So the stuff wasn't out there no 20 more than an hour? 21 A. After we carried it down, he left. 22 So it is going to be between 30 minutes to an 23 hour window. 24 Q. Okay. What's Tommy Carter going to</p>	<p style="text-align: right;">Page 100</p> <p>1 A. Yes, sir. 2 Q. When you went there, you went out 3 to that conference room, correct? 4 A. Yes, sir. 5 Q. Who all was there when you got 6 there? 7 A. Inside the conference room? 8 Q. Yes, sir. 9 A. I am thinking me, Tommy, Doug and 10 Sharon all walked in at the same time. But I 11 don't remember. 12 Q. Okay. Was your ex-wife there? 13 A. I don't know. 14 Q. Was her father there? 15 A. I can't recall who was there. 16 Q. Okay. All right. So you 17 eventually go into the courtroom, correct? 18 A. Yes, sir. 19 Q. Was your ex-wife waiting in the 20 courtroom? 21 A. When they call us, they call us 22 together. So when the bailiff -- Bailiff 23 McPeake at that time was the bailiff. He 24 called us. And we walked in. The parties</p>
<p style="text-align: right;">Page 99</p> <p>1 testify to? 2 A. He was trying -- he just lives a 3 few houses up from me. So he was trying to 4 get through. And they were still loading the 5 property in the middle of the road because it 6 is at the bottom. So they had a U-Haul 7 parked in the road. So he can testify what 8 the weather was at that point in time. 9 Q. So what time of day would they have 10 picked it up? 11 A. Evening time. Don't quote me. It 12 is dark. So November. 5:00 p.m. to 6:00 13 p.m., say. 14 Q. Okay. When you got to the 15 courthouse that day -- family court is on the 16 second floor. So when you arrived there, who 17 all was -- strike that. 18 When you arrived at the courthouse, 19 where did you go? Did you go straight to 20 the courtroom or -- 21 A. No, sir. There is an interview 22 room, I guess it is what it is called -- 23 conference room or -- 24 Q. Right outside?</p>	<p style="text-align: right;">Page 101</p> <p>1 walk in together. 2 Q. Okay. So when you are sitting out 3 there waiting to be called, you are not 4 sitting there with your ex-wife, correct? 5 A. No. You know, I try not to. 6 Again, she is in one waiting room. I am in 7 the conference room. 8 Q. Okay. So when you go into the 9 courtroom, it is just you and your ex-wife? 10 A. It is going to be me and the 11 ex-wife and the attorneys. 12 Q. So it would have been you, your 13 ex-wife, Kyle Lusk, McPeake, who was the 14 deputy -- 15 A. Yes, sir. 16 Q. -- and Judge Goldston, correct? 17 A. And Brandon Johnson. 18 Q. Is that the contempt hearing? 19 A. Yes, sir. 20 Q. Okay. 21 A. No. Don't -- shoot. I'm sorry. 22 No. Brandon wasn't there. Sorry. Just me. 23 You are right. I'm sorry. 24 Q. All right. And all the witnesses</p>

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1 **are still sitting outside, correct?**

2 A. Yes, sir.

3 MR. BRYAN: Kevin, can I take a
4 bathroom break? I'm sorry.

5 (Break in proceedings.)

6 BY MR. ROBINSON:

7 **Q. When you got to this hearing, you**
8 **admitted you failed to follow through on**
9 **court-ordered counseling for one of your**
10 **children, correct?**

11 A. Say that again.

12 **Q. When you got to the hearing on**
13 **March 4th, you admitted during this hearing**
14 **that you failed to follow through on court-**
15 **ordered counseling for one of your children?**

16 A. No. March 4th was the contempt
17 only.

18 **Q. But that wasn't brought up at any**
19 **time?**

20 A. I think -- they were contesting.
21 But at that time the counselor had already
22 released her.

23 **Q. Okay. So if the transcripts say**
24 **you failed to follow through on that, that**

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1 **would be incorrect?**

2 A. I can't recall. I do know that at
3 that time part of my evidence was she had
4 already been released.

5 **Q. All right. So at no time during**
6 **this hearing, this March 4th, 2020 hearing**
7 **did you say to the court, hey, I have already**
8 **turned over all of this stuff, I don't know**
9 **what you all are talking about?**

10 A. You know, in words, I -- I believe
11 I tried to tell Judge Goldston. And she
12 said, what does the order say? And I was
13 just trying to explain to her that the photos
14 were ordered to be copied, which I did. And
15 I never could -- I mean, I never could
16 present my defense or evidence. I mean, I
17 tried.

18 **Q. I believe I saw where the court**
19 **went off record at 10:34 a.m. I guess that's**
20 **when you all went to your house. After the**
21 **court went off record at 10:34 a.m., what did**
22 **you do?**

23 A. I ran to the interview room, and I
24 told Doug Black, Sharon Masual and Tommy, I

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1 said, hey, I think they are coming to my
2 house, we need to get back to my house.

3 **Q. What did they say?**

4 A. What? You are kidding me. I am
5 like, no.

6 **Q. That's it? You all got --**

7 A. Got and go. She give me 10 minutes
8 to get there. And that's about how far it
9 is.

10 **Q. So you drove to -- from the**
11 **courthouse to your house in your vehicle.**
12 **And was Sharon Masual with you?**

13 A. Yes, sir.

14 **Q. And I guess Doug Black and Tommy**
15 **Carter went in separate vehicles?**

16 A. Yes, sir.

17 **Q. And did it take you ten minutes to**
18 **get to your house?**

19 A. I can't recall.

20 **Q. Do you recall what you and your**
21 **wife were talking about as you were driving**
22 **to your house?**

23 A. My girlfriend?

24 **Q. Oh, yeah, your girlfriend.**

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1 A. Oh, man. Probably what should I
2 do, how this is going to go, what. How do I
3 -- how do I stop, you know, them from coming
4 on my property? Just random thoughts.

5 **Q. So you were thinking how to stop**
6 **them from coming onto your property during**
7 **that drive -- strike that.**

8 **You are driving, correct?**

9 A. Yes, sir.

10 **Q. How long were you in the interview**
11 **room before you went down to your house --**
12 **went down to your car to drive to your house?**

13 A. Less than a minute for sure.

14 **Q. All right. So you drive to your**
15 **home at 113 Quiet Oak Street. How long are**
16 **you there before any other witnesses arrive**
17 **at the house?**

18 A. As soon as we got out of the
19 driveway. I mean, we basically almost had
20 the audio and video going.

21 **Q. Okay.**

22 A. So real close. I don't know, maybe
23 a minute.

24 **Q. From looking at the video, it**

<p style="text-align: right;">Page 106</p> <p>1 seemed like you were reading from something</p> <p>2 on your phone, correct?</p> <p>3 A. Uh-huh.</p> <p>4 Q. Okay. Where did you get that</p> <p>5 information from?</p> <p>6 A. Talking to Sharon -- she is a real</p> <p>7 smart lady. But we were kind of discussing</p> <p>8 how I was going to get her to recuse herself.</p> <p>9 I learned that that is wrong. It is called</p> <p>10 disqualify.</p> <p>11 Q. Where did you learn that?</p> <p>12 A. You know, throughout the process, I</p> <p>13 learned that it is not a motion -- Judge</p> <p>14 Goldston actually told me it is not a motion</p> <p>15 to recuse, it is a motion to disqualify.</p> <p>16 And, you know, I just learned that. I mean,</p> <p>17 I --</p> <p>18 Q. You learned that all in the</p> <p>19 10 minutes it took you to drive from the</p> <p>20 courthouse to your home?</p> <p>21 A. Sure.</p> <p>22 Q. Did you look it up, or did your</p> <p>23 girlfriend look it up?</p> <p>24 A. I mean, I can't. I am driving.</p>	<p style="text-align: right;">Page 108</p> <p>1 A. They are my witnesses.</p> <p>2 Q. So you thought the hearing was</p> <p>3 continuing too then, correct?</p> <p>4 A. No. I knew it wasn't proper. I</p> <p>5 mean, that's why I asked her to recuse</p> <p>6 herself. I knew that I had never heard of a</p> <p>7 judge searching a house, ever.</p> <p>8 Q. You get there.</p> <p>9 MR. ROBINSON: You know what, can</p> <p>10 we fire that up again if there is no</p> <p>11 objection from counsel?</p> <p>12 MS. TULLY: Sure.</p> <p>13 Q. Before we start the video -- you</p> <p>14 are standing -- let the record reflect on the</p> <p>15 video, the plaintiff is standing there in it</p> <p>16 looks like a blue button-down shirt?</p> <p>17 A. That's me.</p> <p>18 Q. And khakis?</p> <p>19 A. That's me.</p> <p>20 Q. And had sunglasses on. You have</p> <p>21 something in -- is that your left hand?</p> <p>22 A. That's my phone, sir.</p> <p>23 Q. That's your phone. And there is a</p> <p>24 vehicle right in front of you, looked like a</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. So your girlfriend looked it up?</p> <p>2 A. I am assuming.</p> <p>3 Q. Okay. It wasn't her phone -- did</p> <p>4 she just look it up on your phone?</p> <p>5 A. I can't recall how -- how it all</p> <p>6 came together. At this 10-minute ride, it is</p> <p>7 -- my mind is spinning.</p> <p>8 Q. Were you reading off of your phone?</p> <p>9 A. I was. Because we were trying to</p> <p>10 get words together. And she actually helped</p> <p>11 -- got my phone and did a voice text.</p> <p>12 Q. Who did a voice text, your</p> <p>13 girlfriend?</p> <p>14 A. My girlfriend.</p> <p>15 Q. Okay. Did you get to your home</p> <p>16 before Doug Black and Tommy Carter?</p> <p>17 A. I think they got there before I</p> <p>18 did. Because I -- yeah, I am parked behind</p> <p>19 one of them. So maybe behind Doug.</p> <p>20 Q. Why did they go to your house</p> <p>21 instead of going home?</p> <p>22 A. Because I told them to.</p> <p>23 Q. Oh, you told them to go to your</p> <p>24 house?</p>	<p style="text-align: right;">Page 109</p> <p>1 pickup truck. Whose vehicle was that?</p> <p>2 A. It's either Tommy or Doug's.</p> <p>3 Q. And there is a --</p> <p>4 A. That's a Yukon Denali.</p> <p>5 Q. -- Yukon Denali behind it. Whose</p> <p>6 vehicle is that?</p> <p>7 A. That was my ex-wife's at the time.</p> <p>8 Q. Okay. So she's already there --</p> <p>9 A. Yes.</p> <p>10 Q. -- at this point?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. We will go ahead and press</p> <p>13 play.</p> <p>14 (Video played.)</p> <p>15 Q. Okay. Stop. Sorry. Go back.</p> <p>16 A. Go ahead. I got you.</p> <p>17 Q. Who was the guy in that royal blue?</p> <p>18 A. That's Tommy Carter.</p> <p>19 Q. Who was the guy that was next --</p> <p>20 A. No, no. That's Doug Black. Sorry.</p> <p>21 Q. That's Doug Black. Who was this</p> <p>22 person right here?</p> <p>23 A. That's Tommy Carter.</p> <p>24 Q. This video was actually -- this</p>

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1 audio is actually really good to be taken on
 2 a cell phone. Did you have a microphone on?
 3 A. No, sir.
 4 Q. Okay. So all of this audio is
 5 coming from a -- is it your cell phone?
 6 A. She is running a cell phone. I am
 7 running an audio.
 8 Q. You are running audio off of your
 9 phone?
 10 A. Yes, sir.
 11 Q. The same time you are reading off
 12 of --
 13 A. Yeah. You can do it at the same
 14 time. Different apps.
 15 (Video played.)
 16 Q. And that looks like that is Kyle
 17 Lusk walking. Okay. Hold on. Go back.
 18 Let's stop.
 19 Did you just tell her to turn on
 20 the audio?
 21 A. I wanted to make sure she had the
 22 camera rolling.
 23 Q. Well, it sounded like you said,
 24 make sure the audio is going.

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1 A. There is no other audio footage.
 2 If you are trying to get at that, the answer
 3 is no.
 4 MR. ROBINSON: Play it back just
 5 a little bit, please, just a little bit.
 6 MS. TULLY: Now, listen, you've
 7 got a bad technical assistant here. I'll do
 8 what I can.
 9 MR. ROBINSON: That's okay. I
 10 couldn't do any better.
 11 (Video played.)
 12 A. I might have told her I am turning
 13 my audio on.
 14 Q. All right. Keep going.
 15 And coming up here, it looks like
 16 the sheriff's deputy vehicle, SUV?
 17 A. And Judge Goldston.
 18 Q. Okay. Is that your wife -- your
 19 girlfriend talking?
 20 A. That's my girlfriend, sir.
 21 Q. Who was that walking over there by
 22 that flag -- what's that, a gazebo?
 23 A. Yeah. That's my ex-wife's dad. He
 24 decided he would go on the property whenever

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1 he wants.
 2 Q. Is that Kyle with the gray suit on?
 3 A. It is Kyle, him.
 4 Q. Okay. Go ahead.
 5 (Video played.)
 6 Q. Right there you're telling
 7 everybody to get off of your property except
 8 the judge and the deputy?
 9 A. I am at this point. I didn't want
 10 the whole posse to come with them. I never
 11 heard that a whole posse comes with you. So,
 12 for lack of better words, I didn't want other
 13 people on my land.
 14 Q. Other than your witnesses?
 15 A. Right.
 16 Q. Okay. Go ahead.
 17 (Video played.)
 18 Q. She said you have a list of
 19 everything. But you said you never got a
 20 list of anything?
 21 A. That's where -- the disagreement
 22 between Exhibit 1 and Joint Exhibit 1 I
 23 turned over everything that was court
 24 ordered. And, you know, my understanding of

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1 how the search warrant works is, with a
 2 search warrant, you've got to have what you
 3 are coming for specifically. So I needed to
 4 know what she was coming for specifically,
 5 not just coming to my house looking for
 6 things. Again, this is before I got to
 7 provide my defense and exhibits and so forth
 8 and so on.
 9 Q. But you had been provided a list of
 10 items that they believed you had not turned
 11 over, correct?
 12 A. That's what they believed, sir.
 13 Q. That's what they believed --
 14 A. Yes, sir.
 15 Q. -- that you had not turned over
 16 items, correct?
 17 A. Yes.
 18 Q. Okay. That's a fairly big yard.
 19 Maybe because I grew up in the city. I don't
 20 know.
 21 A. Yeah. It is really not that big.
 22 It feels like it when you mow it though.
 23 Q. That's what I'm going to say, you
 24 mow it.

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1 A. The hill is a beast.
 2 **Q. Yeah.**
 3 MR. ROBINSON: That's enough.
 4 All right. Thanks.
 5 MS. TULLY: No problem. I am
 6 here to serve you, Kevin.
 7 **Q. When you were driving from the**
 8 **courthouse to your house, you didn't make any**
 9 **stops along the way?**
 10 A. No, sir.
 11 **Q. I think I might have asked you this**
 12 **before. But you were not the first to get to**
 13 **your house, correct?**
 14 A. It don't look like it. My truck is
 15 parked behind somebody. So it is either Doug
 16 Black or Tommy. I don't know which one.
 17 **Q. All right. When you were driving**
 18 **from the courthouse to your house, did you**
 19 **attempt to contact anyone? Did you try to**
 20 **call like anyone at all?**
 21 A. Not that I can recall.
 22 **Q. Okay. Did you send any texts to**
 23 **anyone?**
 24 A. No. I was driving.

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1 **Q. Okay. It looks like from that**
 2 **video -- you said that that was her father**
 3 **that walked up to the gazebo. Had he arrived**
 4 **before you arrived?**
 5 A. I can't recall.
 6 (A discussion was held off the
 7 record.)
 8 BY MR. ROBINSON:
 9 **Q. It looks like Kyle might have**
 10 **already been there too. Does that sound**
 11 **right?**
 12 A. It is possible. I don't know how
 13 he even got there. He might have rode with
 14 him. I don't even know. Again, it is a
 15 blur, some of it is.
 16 **Q. It looks like in your driveway that**
 17 **there was a pickup truck in front of you.**
 18 **You believe that was whose vehicle?**
 19 A. It is either Tommy's or Doug's.
 20 **Q. Was there a vehicle in front of**
 21 **that?**
 22 A. No.
 23 **Q. Okay. And then there was your**
 24 **vehicle -- or was that your ex-wife's?**

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1 A. It is going to be a vehicle, my
 2 truck. The ex-wife pulled up. Maybe
 3 somebody told her to move. So by then -- you
 4 are right, maybe it was Kyle or her dad had
 5 told her to move so the judge could pull in
 6 or something -- somebody said something.
 7 **Q. That's my question. Where was --**
 8 **here, we can do that now. Why don't you draw**
 9 **-- you don't have to be artistic. You don't**
 10 **have to be -- what's his name -- Bob Ross?**
 11 **What's that guy's name? You don't have to**
 12 **be -- why don't you draw a picture of your**
 13 **house and your property. And I want you to**
 14 **mark where each vehicle was located if you**
 15 **can remember.**
 16 A. Man.
 17 **Q. Can you remember?**
 18 A. I am going to give you what I know.
 19 How is that?
 20 **Q. Okay. All right.**
 21 MR. ROBINSON: If there's no
 22 objection from counsel?
 23 MR. BRYAN: No objection. Every
 24 case needs a good diagram off scale.

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1 (A discussion was held off the
 2 record.)
 3 (Witness draws diagram.)
 4 MR. ROBINSON: Back on the
 5 record. What I have here is a diagram that
 6 the plaintiff has drawn. He has drawn --
 7 **Q. I believe this box up here is your**
 8 **house?**
 9 A. Yes, sir.
 10 **Q. Can you write "house" in there?**
 11 A. (Complies.)
 12 **Q. And then next is truck. That's**
 13 **whose truck?**
 14 A. I don't know if it is a truck. It
 15 is a vehicle.
 16 **Q. Well, it looks like -- well, in the**
 17 **video, it was a pickup truck. Is that the**
 18 **same pickup truck?**
 19 A. If it is -- if the video shows a
 20 truck, then it was a truck.
 21 **Q. Then behind that was an SUV?**
 22 A. No. My truck.
 23 **Q. Your truck.**
 24 A. I think you might be looking at my

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1 truck. I don't know in the video that you
 2 can see this.
 3 **Q. Okay.**
 4 A. But I know where my truck was
 5 parked -- that I was parked behind somebody.
 6 Because my truck would go all the way up to
 7 the garage.
 8 **Q. And then that's when the sheriff's**
 9 **department's vehicle comes up?**
 10 A. Yes, sir.
 11 **Q. And then your ex-wife's vehicle was**
 12 **parked past the driveway?**
 13 A. I can't swear to this one. But I
 14 can -- I seen this one on the video. There
 15 was a black truck. And that was the
 16 ex-wife's brother.
 17 **Q. Okay. Now, where you have the**
 18 **ex-wife marked on here, is that still**
 19 **considered part of your property?**
 20 A. Where her car was parked at?
 21 **Q. Yes.**
 22 A. The answer is no.
 23 **Q. Okay. Where the brother is parked,**
 24 **is that still considered part of your**

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1 **property?**
 2 A. No.
 3 **Q. Does that say Dad?**
 4 A. Yes.
 5 **Q. Now, that's not your dad, correct?**
 6 A. No. No. It was the ex-wife's
 7 brother, dad and Mr. Lusk.
 8 **Q. That's where the dad's vehicle was**
 9 **parked?**
 10 A. I think it was her brother's truck.
 11 **Q. Okay. So did they all come in the**
 12 **same vehicle?**
 13 A. Maybe. Probably. Because I didn't
 14 see no other vehicles. But again, by the
 15 time I went inside -- I don't know how
 16 things --
 17 **Q. All right. You also believe that**
 18 **her boyfriend was there, correct?**
 19 A. Yes, sir.
 20 **Q. Do you think they all rode**
 21 **together?**
 22 A. I think that he rode in her car.
 23 **Q. In her car. I'm sorry. You said**
 24 **ex. Okay. Her brother didn't bring anybody**

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1 **-- well, other than her father?**
 2 A. The brother brought Dad and Lusk.
 3 **Q. He didn't have like a -- the**
 4 **brother didn't have like a girlfriend or**
 5 **anything there, did he?**
 6 A. I don't think so.
 7 **Q. Okay. All right. We can mark this**
 8 **as Exhibit --**
 9 MR. ROBINSON: Where are we at?
 10 THE COURT REPORTER: Three --
 11 well, four actually because of the flash
 12 drive. Do you want the flash drive as three?
 13 MS. TULLY: Yeah. We will mark
 14 -- do you want to do the other? The flash
 15 drive, we can mark as Exhibit 3. It has two
 16 videos on it. We just haven't dealt with the
 17 other video yet. Do you have any objection
 18 to that?
 19 MR. BRYAN: No. Is it the Stump
 20 video you're talking about?
 21 MS. TULLY: The bailiff video.
 22 THE WITNESS: McPeake.
 23 MS. TULLY: McPeake. Whoever it
 24 was. We will explore that.

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1 MR. BRYAN: The inside video?
 2 MS. TULLY: The inside video,
 3 yes.
 4 THE WITNESS: That's McPeake's.
 5 MR. ROBINSON: We can mark it as
 6 **Exhibit 4**
 7 (Exhibit 3 was marked.)
 8 (Exhibit 4 was marked.)
 9 **Q. Do you got something to say? I**
 10 **will mark it.**
 11 A. This here was not their property.
 12 But I had to ask them to get off of my
 13 property.
 14 **Q. All right.**
 15 A. Go ahead.
 16 **Q. All right. This is marked as**
 17 **Exhibit 4** And this was a drawing that you
 18 made to the best of your recollection,
 19 correct? It is a drawing you made to the
 20 best of your recollection?
 21 A. Yes, sir.
 22 **Q. Before I begin, you said you know**
 23 **people from the sheriff's department. What**
 24 **deputies do you know from the Raleigh County**

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1 **Sheriff's Department?**

2 A. I know some that retired.

3 **Q. Like who?**

4 A. Jimmy Miller. Sheww. The one that
5 had the mustache.

6 **Q. They all got mustaches.**

7 A. Mark McCray.

8 **Q. McCray, yes. He had a beard
9 though, I thought.**

10 A. Big monster. But I know some that
11 currently work. You know, Aaron Lilly. I
12 know Bobby.

13 **Q. You know Stump, don't you?**

14 A. Yes, sir.

15 Jason Redden.

16 **Q. Yeah. Which one?**

17 A. The lieutenant. Not the -- not the
18 K-9, but the bigger one.

19 **Q. The one that does all the DUI
20 stops?**

21 A. That's probably him.

22 **Q. Yeah. Okay.**

23 (A discussion was held off the
24 record.)

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1 THE WITNESS: I know quite a few.

2 BY MR. ROBINSON:

3 **Q. Know any judges?**

4 A. No.

5 **Q. Okay. Did you tell your girlfriend
6 to record the incident, or did she just do it
7 on her own?**

8 A. I told her to. I told her to, sir.
9 Sorry.

10 **Q. Okay. It looks like when the video
11 ended, you all are standing at -- did you
12 call that the gazebo?**

13 A. Yes.

14 **Q. What were you looking at over
15 there?**

16 A. You know, I had testified that that
17 was -- it was -- when I built that, it was
18 attached. And I did that because we had that
19 derecho. And everything I had got blowed
20 away. So I learned to build things to
21 withstand as much wind as it can. So they
22 were looking to see if it was actually bolted
23 down or not.

24 **Q. The whole gazebo?**

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1 A. The swing carrier.

2 **Q. Okay. Why would they be looking at
3 that?**

4 A. She was awarded the swing. And on
5 the property form that they prepared, she got
6 the swing. I give her the swing. Those are
7 two separate purchases. You can buy a swing.
8 You can buy a swing carrier. I bought two
9 different times. I had to go get the swing
10 and the swing carrier.

11 **Q. Hold on. What were they looking at
12 over there?**

13 A. The swing carrier. It is going to
14 be on the back.

15 **Q. Okay. Hold on. What was she
16 awarded?**

17 MS. TULLY: I'm sorry. I took
18 these exhibits from you.

19 A. Let's see. Joint **Exhibit 1** --
20 let's go to the back page.

21 **Q. I am a little confused myself.**

22 A. You can look at Joint **Exhibit 1**
23 It would make it just as easy. Sorry.

24 MR. BRYAN: **Exhibit 2**, right?

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1 THE WITNESS: Sorry. **Exhibit 2**

2 **Q. Where it says swing, front yard?**

3 A. Yes, sir.

4 **Q. Okay. And you are alleging that
5 she was not allowed to take that swing?**

6 A. No. I give her the swing.

7 **Q. Okay. And what were they looking
8 at when they went over there?**

9 A. They were seeing if the holder --
10 the swing holder was bolted down or not, that
11 I testified that it was.

12 **Q. And when did you testify that it
13 was bolted down?**

14 A. I think it was March 4, 2020.

15 **Q. Okay. So you spoke -- so you all
16 did talk about some property?**

17 A. It was only yes or no, not -- not
18 here's your defense. Not present your
19 evidence. It was yes or no. Is it yes or
20 no?

21 **Q. But you did talk about property
22 that had not been turned over, correct?**

23 A. No. There was a question. Did you
24 give her the pictures? Yes or no? Yes or

Page 126

1 no?

2 **Q. Okay. You just said about the**
 3 **pictures, yes. But they also asked you about**
 4 **the swing, didn't they?**

5 A. I believe so, yes.

6 **Q. Okay. I don't -- I don't want to**
 7 **do this, but I might go get the transcript**
 8 **and go through it as well.**

9 A. Okay. It is on record.

10 **Q. Is there anything else you talked**
 11 **about there that -- any other property you**
 12 **talked about at that March 4th hearing?**

13 A. Photos.

14 **Q. Photos?**

15 A. A swing.

16 **Q. When they asked you about the**
 17 **photos, what did they ask you?**

18 A. They said, did you give her the
 19 photos? Yes or no? And I said, no, because
 20 I was ordered to copy. What does the order
 21 say? I said to Judge Goldston -- she says --
 22 you will get your chance was the words she
 23 said.

24 **Q. And the order says copies?**

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1 A. That's not what the order says.

2 **Q. What did you give her?**

3 A. The order says copies. I give her
 4 copies. The property form that was never
 5 corrected said that she got photos. It
 6 was --

7 **Q. Okay. Are we talking about two**
 8 **different --**

9 A. No, we are not. There was --

10 **Q. You said the order form says what?**

11 A. The 2018 -- April 2018 order, Judge
 12 Goldston verbally -- and it was generally put
 13 by Mr. Lusk on the order that I was to copy
 14 -- her words were Mr. Gibson will make copies
 15 of the photos, as I did. Okay?

16 So when we sat down with the
 17 property exchange between Lusk and Johnson
 18 and myself and the ex, they asked for the
 19 photos. And Mr. Johnson said that these
 20 photos are off because I looked at the audio
 21 and he is supposed to make copies. And so
 22 the photos were supposed to be taken off of
 23 the property form.

24 **Q. Okay. So you go down there and you**

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1 **look at the swing I guess to see if it was**
 2 **still bolted down?**

3 A. The swing carrier, not the swing.

4 **Q. Swing carrier. Okay. Why does it**
 5 **matter if it was bolted down or not?**

6 A. Because she was arguing that the
 7 swing and the swing carrier go together.

8 **Q. Do they go together?**

9 A. No. They were two separate
 10 purchases.

11 **Q. Who purchased them?**

12 A. We purchased them.

13 **Q. Okay. Can the swing operate**
 14 **without the swing carrier?**

15 A. It is two separate purchases.

16 **Q. Can it operate without the swing**
 17 **carrier?**

18 A. Sure you can. You can hang it from
 19 a tree.

20 **Q. Would you want the kids swinging on**
 21 **there without that on there?**

22 A. It is not a swing for that. But
 23 Judge Goldston backed me --

24 **Q. Is it safe for your kids to operate**

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1 **that swing without the swing carrier?**

2 A. It's not that kind of swing, sir.
 3 It's a relaxing swing you sit in the front
 4 yard.

5 **Q. Why the carrier?**

6 A. I call it a carrier. It is a swing
 7 stand that the swing hangs from.

8 **Q. Okay. All right. So you look at**
 9 **the swing carrier that you have there I guess**
 10 **just because you just want it. It is bolted**
 11 **down. What does the judge say at that time?**

12 A. The judge says she will have to
 13 look at it because it is bolted down,
 14 paraphrasing.

15 **Q. But you can remove it, can't you?**

16 A. No.

17 **Q. Why?**

18 A. I would have to tear down the
 19 bottom of the gazebo, take boards off and --
 20 because the bolts are put in from the bottom.

21 **Q. Okay. At that -- okay. When you**
 22 **all added the gazebo -- how long were you**
 23 **standing at the gazebo?**

24 A. A minute or two.

<p style="text-align: right;">Page 130</p> <p>1 Q. Okay. McPeake, does he search 2 anything at the gazebo? 3 A. He is just standing there as far as 4 I know watching. 5 Q. He is just standing there, correct? 6 A. I believe so. 7 Q. After you leave the gazebo, where 8 do you go? 9 A. At the gazebo when Mr. McPeake 10 seizes my phone, we went to my garage. 11 Q. Let's go back and talk about the 12 phone. You said McPeake seized your phone? 13 A. Yes, sir. 14 Q. Why did he seize your phone? 15 A. Because -- I don't know. I mean, I 16 am assuming Judge Goldston told him -- asked 17 if I was recording. And I said, yes, ma'am. 18 And she asked them to seize the phone. 19 Q. And your phone at the time, it 20 still had the audio on it? 21 A. Yes. 22 Q. So it was still on after he seized 23 it, correct? 24 A. Yes.</p>	<p style="text-align: right;">Page 132</p> <p>1 A. Yes, sir. 2 Q. Okay. Are there any other -- did 3 anybody else come over to the gazebo? 4 A. No, sir. Not that I am aware of. 5 Q. No other deputies came to the 6 gazebo? 7 A. No, sir. 8 Q. Okay. And then after you are there 9 at the garage -- I mean, after you are at the 10 gazebo, then you go to the garage? 11 A. Yes, sir. We went to the garage. 12 Q. Okay. And where is the entrance to 13 the garage located? 14 A. Where the cars are parked, they are 15 going to be right in front of the -- at the 16 neck of the driveway. 17 Q. Okay. So you have to walk across 18 the yard again to get down there? 19 A. Yes, sir. 20 Q. Okay. Who all went down to your 21 garage? 22 A. Judge Goldston, Bailiff McPeake, my 23 ex-wife, Kyle Lusk and myself. 24 Q. And what was down there in the</p>
<p style="text-align: right;">Page 131</p> <p>1 Q. Okay. 2 A. It was still on until Mr. Lusk let 3 Judge Goldston know that the audio was still 4 on. 5 Q. Okay. 6 A. And then the ex-wife let Judge 7 Goldston know that my girlfriend was videoing 8 too. 9 Q. Who turned off the phone? 10 A. What phone? 11 Q. The phone that you gave to Judge -- 12 to -- 13 MR. BRYAN: Objection. 14 Q. -- Deputy McPeake? 15 MR. BRYAN: Objection to form. 16 Q. You can answer. 17 A. I turned it over under the order of 18 being arrested. 19 Q. So there was no audio after that? 20 A. No, sir. 21 Q. You are at the gazebo. It is you, 22 the judge, McPeake and Kyle Lusk? 23 A. Yes, sir. 24 Q. And is your ex-wife there?</p>	<p style="text-align: right;">Page 133</p> <p>1 garage? Well, I will rephrase that. What do 2 you allege was taken from the garage? 3 A. There was a chainsaw taken. 4 Q. Okay. Who does that chainsaw 5 belong to? 6 A. She was -- she was ordered to get a 7 chainsaw. We had two. That's another part 8 of the property form that was not corrected. 9 And she got one chainsaw. She didn't want 10 that one. She wanted the other one. 11 Q. Before that, did she ever tell you 12 she wanted the other chainsaw? 13 A. No, sir. 14 Q. Who said to go down to the garage? 15 A. Judge Goldston. She said, are you 16 going to let me in, or are you going to jail? 17 Q. Why would -- who said to go to the 18 garage? Why would you go to the garage 19 instead of going back to the house? Do you 20 understand what I'm saying? Why would you go 21 to the garage instead of to the front door? 22 A. Because I don't want to go in my 23 front door because I try to keep as much dirt 24 and stuff out of my house as I can. So there</p>

<p style="text-align: right;">Page 134</p> <p>1 was a rug there that you can dry your feet 2 off. I most all of the time go in my house 3 through the garage. 4 Q. So you let them through the garage? 5 A. Under duress, yes, sir. 6 Q. And what happened to that chainsaw? 7 Did you get it back? 8 A. No, sir. 9 Q. You let her keep it? 10 A. She -- I am assuming the court 11 still has one and she has one. 12 Q. Okay. Did McPeake -- Deputy 13 McPeake ever search for this chainsaw? 14 A. He was with them. So yes. 15 Q. He was just with them. Did he ever 16 pick up the chainsaw? 17 A. I can't recall. 18 Q. When you went down there to get the 19 chainsaw, did your ex-wife say, hey, that's 20 my chainsaw? 21 A. No. 22 Q. How did that all occur? 23 A. I don't know what she said. 24 Q. But Deputies White and Stump</p>	<p style="text-align: right;">Page 136</p> <p>1 Q. Let's go back for a minute. You 2 allege that Judge Goldston threatened your ex 3 -- threatened your girlfriend with jail time 4 if she didn't stop recording? 5 A. Yes. 6 Q. What did she do? Did she yell 7 across the yard or something? 8 A. Absolutely. 9 Q. Okay. 10 A. Yes, sir. 11 Q. And that's when your girlfriend 12 shut off the video? 13 A. Yes, sir. 14 Q. Stopped the recording? 15 A. Yes. 16 Q. Okay. I'm still going to the time 17 you are outside the gazebo. Sorry. You 18 allege McPeake then called for backup at that 19 time? 20 A. Yes, sir. 21 Q. How did he call for backup? 22 A. Via radio. 23 Q. Did he have a radio on his -- 24 A. Yes, sir.</p>
<p style="text-align: right;">Page 135</p> <p>1 weren't out there when the chainsaw was 2 taken, were they? 3 A. No, sir. 4 Q. After you left the garage, where 5 did you go? 6 A. We went into I guess what we would 7 call the family room/living room. 8 Q. Who all went into the living room? 9 A. Everybody -- the same people that 10 was in the garage - Mr. Lusk, Judge Goldston, 11 the ex-wife and myself. 12 Q. White and Stump weren't out there 13 yet, correct? 14 A. No, sir. 15 Q. Do you recall what happened when he 16 -- when everybody went into the living room? 17 A. I do remember the photos being 18 taken off the wall. I tried to explain to 19 her once again. She said, I am not going to 20 argue with you. So I basically shut down 21 then. If I can't speak in my own house -- 22 Q. Tried to explain to who? 23 A. To Judge Goldston that the pictures 24 were ordered to be copied.</p>	<p style="text-align: right;">Page 137</p> <p>1 Q. -- shoulder or -- 2 A. Yeah. He had a mike on his left 3 shoulder. 4 Q. Do you remember how he called? Do 5 you remember what he said when he called? 6 A. I just knew when you call for 7 assistance, it ain't for fun. So yeah. 8 Q. You said all of the pictures were 9 taken off your wall. Who took them off your 10 wall? 11 A. My ex-wife. 12 Q. Okay. McPeake didn't take any 13 pictures off of the wall, did he? 14 A. I can't recall. 15 Q. You didn't see McPeake order 16 anybody to take any pictures off of the wall, 17 did he? 18 A. I can't recall. 19 Q. Judge Goldston didn't order anybody 20 to take pictures off of the wall, did she? 21 A. Of course, yes. 22 Q. She said to take the pictures off 23 of the wall? 24 A. Yes.</p>

<p style="text-align: right;">Page 138</p> <p>1 Q. Judge Goldston said that? 2 A. I do believe. 3 Q. She said to take all of the 4 pictures off the wall? 5 A. I believe so. 6 Q. Did your ex-wife take all the 7 pictures off the wall? 8 A. Yes, sir. 9 Q. After you were in the family room 10 -- living room, did you then go to the family 11 room? 12 A. Which is downstairs. 13 Q. Okay. Is that right next to the 14 living room? 15 A. Yeah. I don't know what you call 16 these rooms. The first room, you walk in 17 where the pictures were at. Our next stop, I 18 think we went downstairs to the living room 19 or whatever you want to call it. 20 Q. What do you allege happened when 21 you proceed down to the family room? 22 A. The downstairs living room, is that 23 the one we're talking about? 24 Q. Well, I think we are in the living</p>	<p style="text-align: right;">Page 140</p> <p>1 would say anything -- you'll get your chance. 2 You know, don't talk. I am not arguing with 3 you. Same kind of thing would go. You know, 4 there was movies taken - Spiderman, Ice Age, 5 stuff like that. 6 Q. And those all belonged to your 7 kids? 8 A. Yes, sir. 9 Q. Who purchased them? 10 A. We purchased them. 11 Q. You and your wife, correct? 12 A. Uh-huh. 13 Q. All right. 14 A. But some of those were gifts from 15 Christmas. 16 Q. From who? 17 A. From us. 18 Q. From you and your wife? 19 A. Right. I have full custody of my 20 oldest one. 21 Q. You have full custody of one of 22 them? 23 A. Of one of them. 24 Q. She has full custody of the other</p>
<p style="text-align: right;">Page 139</p> <p>1 room. We left the -- hold on. I think we've 2 left the living room now. Let's go back. 3 We came from the garage, correct? 4 You left -- the only thing that was seized 5 from the garage was -- 6 A. A chainsaw. 7 Q. Chainsaw. Then you go into the 8 living room, correct? 9 A. I believe so. 10 Q. Okay. What do you believe was 11 seized out of the living room? 12 A. The living room would be pictures 13 on the wall. 14 Q. And that was it? 15 A. As far as I can recall. 16 Q. Then next you go into the family 17 room? 18 A. Downstairs. 19 Q. Okay. What all do you allege was 20 seized from the family room? 21 A. You know, my kids -- again, I have 22 full custody of one and half the other. They 23 have their DVDs. So there was 35, 40 movies 24 of theirs that I wasn't able -- anytime I</p>	<p style="text-align: right;">Page 141</p> <p>1 one, correct? 2 A. No. We have 50/50 of the other 3 one. 4 Q. But she does have custody of the 5 other one? 6 A. Yes. 7 Q. And does Brooklyn ever go to her 8 mother's house? 9 A. Some. 10 Q. Some. Like how often? 11 A. I don't know. 12 Q. Does she stay during the weekends 13 once a month? 14 A. No. 15 Q. How often does she stay over at 16 your ex-wife's house? 17 A. She doesn't. 18 Q. Not at all? 19 A. No. 20 Q. She doesn't like your ex-wife? 21 A. No. They get along fine. 22 Q. Okay. Any reason why she doesn't 23 stay over there? 24 A. I don't know how -- I mean, it is</p>

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1 -- you've got a boyfriend involved, and
 2 there's certain things that may be a family
 3 court issue. So I am not even going to bring
 4 it up.
 5 **Q. How old is she?**
 6 A. She is 18.
 7 **Q. Oh, okay. In the family room, as**
 8 **you allege, the movies were taken that**
 9 **belonged to your children?**
 10 A. Yes, sir.
 11 **Q. And one was your girlfriend's?**
 12 A. Yes, sir.
 13 **Q. Which one was that?**
 14 A. It was -- that was quick. I Can
 15 Only Imagine.
 16 **Q. That's the name of the movie, I Can**
 17 **Only Imagine?**
 18 A. Yes, sir.
 19 **Q. Then you made another allegation**
 20 **that Deputy McPeake led you into another room**
 21 **and forced you to open up your locked gun**
 22 **safe?**
 23 A. He followed me in there.
 24 **Q. Okay.**

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1 A. Yeah.
 2 **Q. Did he force you to open your gun**
 3 **safe?**
 4 A. No, sir.
 5 **Q. Okay.**
 6 A. Now, I will say, I was -- you know,
 7 my voice said I am going to --
 8 **Q. Your voice said you were going to?**
 9 A. I said verbally, sorry, that I
 10 would be looking for whatever we were looking
 11 for in a safe. And, you know, I just wanted
 12 to kill two birds with one stone. I wanted
 13 everybody out of my house at that point.
 14 **Q. During the course of discovery in**
 15 **this case, I would have sent you**
 16 **interrogatories which you would have answered**
 17 **with your attorney?**
 18 A. Sure.
 19 **Q. Do you recall answering those?**
 20 A. Yes, sir.
 21 **Q. And I asked you in interrogatory**
 22 **number three, Please provide a chronological**
 23 **description of all events of March 4, 2020,**
 24 **that relates to the occurrence that is the**

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1 **subject of this lawsuit.**
 2 **And you gave a pretty lengthy**
 3 **answer in the last few pages?**
 4 A. Okay.
 5 **Q. In that answer, you state, Bailiff**
 6 **McPeake then led me into the next room where**
 7 **I was forced to open my locked gun safe and**
 8 **allowed him to search it.**
 9 **You told me that statement is**
 10 **incorrect, right?**
 11 A. According to my recollection, when
 12 we did this complaint -- because I didn't
 13 have the video. My recollection -- that's
 14 what I thought. Because anything that
 15 happened inside that house, I was under
 16 duress. And I don't -- my memory didn't
 17 serve me as well.
 18 **Q. But when you answered this**
 19 **discovery, you had that --**
 20 A. I had my recollection.
 21 **Q. When you answered discovery -- you**
 22 **now have a copy of the tape?**
 23 A. Yeah. I didn't have a copy of the
 24 tape.

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1 **Q. When you answered discovery, you**
 2 **didn't have a copy of the tape. When did you**
 3 **receive a copy of the tape from McPeake that**
 4 **McPeake took?**
 5 A. It was after that.
 6 **Q. When? Do you know when?**
 7 MR. BRYAN: I think it was in a
 8 discovery response. I don't think it was
 9 turned over with Rule 26. So conveniently,
 10 no.
 11 A. I definitely didn't have that when
 12 I filled that out.
 13 **Q. Is there anything else -- I may**
 14 **need to come back. I can go get you a copy**
 15 **and have you read it through. But is there**
 16 **anything else in your answer to interrogatory**
 17 **number three that you believe is now**
 18 **incorrect? Do you have a copy of it?**
 19 A. I do. Hold on a second. Let me
 20 get it.
 21 MS. TULLY: I was going to say, I
 22 do.
 23 MR. ROBINSON: Oh, you do?
 24 A. Number three?

<p style="text-align: right;">Page 146</p> <p>1 Q. While you read that, let me talk to 2 you. 3 MR. ROBINSON: Let me take a 4 break real quick. 5 (Break in proceedings.) 6 BY MR. ROBINSON: 7 Q. Did you have a chance to finish 8 reading everything in there? 9 A. Yeah, I didn't read it fully. 10 Q. Well, you can go ahead and continue 11 reading it. 12 (Witness reviews document.) 13 A. I am familiar enough with it I 14 believe. 15 Q. Is there anything in there that you 16 believe that is now incorrect? 17 A. No. I want to say, for the record, 18 you know, as far as the gun safe, if there 19 was no threat of arrest or I was under duress 20 -- or for that matter, one deputy with two 21 deputies en route, no way would I have 22 conceded to the search - I just want to say 23 that - and, you know, to let the search 24 happen, the Supreme Court said so. So that's</p>	<p style="text-align: right;">Page 148</p> <p>1 accurate, is it? 2 A. The answer, it is not accurate 3 because it is due to my recollection. I 4 hadn't received -- 5 Q. Let's bring up the video. Go ahead 6 and answer. 7 A. I just said it wasn't correct. I 8 used my memory. I didn't have the video yet. 9 Q. What we are getting ready to play 10 here is a video that was taken by my client, 11 Deputy Stump, on his cell phone, is that 12 correct, to your knowledge? 13 A. No. 14 Q. It is not correct? 15 A. Huh-uh. 16 Q. Who took the video? 17 A. McPeake. 18 Q. I'm sorry. You are correct. It is 19 McPeake. He took this video; is that 20 correct? 21 A. As far as I know. 22 Q. Okay. And we are going to play it. 23 I believe it's around seven minutes long. 24 We'll start playing it now.</p>
<p style="text-align: right;">Page 147</p> <p>1 kind of where I am at with that. 2 Q. I am talking about the gun safe. 3 A. And that was all part of the 4 search, sir. 5 Q. But you led him to the gun safe, 6 correct? 7 A. Uh-huh. 8 Q. He didn't know you had a gun safe, 9 did he? 10 A. Yes. 11 Q. You told him you had one? 12 A. Right. 13 Q. And you let him in there, correct? 14 A. Yes. 15 Q. All right. He didn't force you 16 there, did he? 17 A. Every time -- 18 MR. BRYAN: Objection to form. 19 He was there under threat of arrest. 20 Q. Bailiff McPeake then led me into 21 the next room where I was forced to open my 22 locked gun safe and allowed him to search it. 23 Is that statement accurate? I think I asked 24 you that before. That statement is not</p>	<p style="text-align: right;">Page 149</p> <p>1 A. Just for the record, I want to say 2 that the search was probably 20 to 30 minutes 3 long. That shows seven minutes. 4 Q. Okay. 5 (Video played.) 6 Q. You are leaving your garage and now 7 entering your living room; is that correct? 8 A. Yes, sir. 9 Q. That was your ex-wife taking the 10 photographs off the wall, correct? 11 A. Yes, sir. 12 Q. And that's you carrying the 13 photograph, correct? 14 A. Under threat of arrest. 15 Q. And handing it to your wife? 16 A. Under threat of duress. 17 Q. Who threatened to arrest you? 18 A. Judge Goldston. 19 Q. She told you to get that photograph 20 and give it to her or she was going to arrest 21 you? 22 A. Yes. 23 Q. She said those exact -- sorry. She 24 told you to grab that photograph and give it</p>

<p style="text-align: right;">Page 150</p> <p>1 to her or she was going to arrest you?</p> <p>2 MR. BRYAN: Objection to form.</p> <p>3 That's not what he said.</p> <p>4 Q. Well, you can still answer.</p> <p>5 A. The answer is no.</p> <p>6 Q. She didn't tell you that?</p> <p>7 A. No. But there was multiple times</p> <p>8 beforehand that she threatened me with</p> <p>9 arrest. So I'm not arguing with a lady who</p> <p>10 has already had a bailiff and two deputies en</p> <p>11 route. I am not arguing with anybody inside</p> <p>12 my house when I'm under duress, sir.</p> <p>13 Q. Where was that photograph located?</p> <p>14 A. What photograph?</p> <p>15 Q. That you were carrying in your</p> <p>16 hands.</p> <p>17 A. What? I don't understand your</p> <p>18 question, sir.</p> <p>19 Q. That photograph right there --</p> <p>20 A. Where was it located?</p> <p>21 Q. Yeah.</p> <p>22 A. It was on the wall.</p> <p>23 Q. Where? In the living room?</p> <p>24 A. Yeah. Now, the other photos, the</p>	<p style="text-align: right;">Page 152</p> <p>1 search?</p> <p>2 (Video played.)</p> <p>3 Q. We're walking downstairs. What</p> <p>4 room was that?</p> <p>5 A. I guess we are going to call it the</p> <p>6 family room. Take what you want.</p> <p>7 (Break in proceedings.)</p> <p>8 BY MR. ROBINSON:</p> <p>9 (Video played.)</p> <p>10 Q. You were telling him to go check</p> <p>11 the safe?</p> <p>12 A. Under duress, sir.</p> <p>13 Q. Under duress?</p> <p>14 A. Absolutely.</p> <p>15 Q. What did McPeake do there to make</p> <p>16 you go check the safe?</p> <p>17 A. He didn't. Well, what he did was</p> <p>18 prior to that, which is called for</p> <p>19 assistance, which tells me he was intending</p> <p>20 to take me to jail. You don't call for</p> <p>21 assistance for anything. I left them in</p> <p>22 there so he could search. Again, he called</p> <p>23 for assistance. I am not arguing with</p> <p>24 nobody.</p>
<p style="text-align: right;">Page 151</p> <p>1 ex-wife took it off the wall with the power</p> <p>2 of your client.</p> <p>3 Q. But you took --</p> <p>4 A. Gun and badge.</p> <p>5 Q. Repeat that.</p> <p>6 A. Your client.</p> <p>7 Q. He had a gun out is what you're</p> <p>8 saying?</p> <p>9 A. No, no, no. He is armed with a</p> <p>10 badge and gun, the authority to arrest</p> <p>11 people. And she threatened me multiple</p> <p>12 times, are you going to let me in, are you</p> <p>13 going to let me in, you're going to let me</p> <p>14 in. At this point, I am not trying to go to</p> <p>15 jail. So I did whatever I had to do inside</p> <p>16 that house.</p> <p>17 (Video played.)</p> <p>18 Q. The judge also said she gave you</p> <p>19 the lion's share. She's not going to dispute</p> <p>20 with you, she just was looking for items that</p> <p>21 were not turned over to her, correct?</p> <p>22 A. Again, my understanding was, I'm</p> <p>23 going to go to jail that day. What did he</p> <p>24 call for assistance for, to help with the</p>	<p style="text-align: right;">Page 153</p> <p>1 Q. Do you see McPeake search your gun</p> <p>2 safe at any time in there? Did he go through</p> <p>3 and ruffle through?</p> <p>4 A. I left him at that point.</p> <p>5 Q. Look at the video.</p> <p>6 A. You can search visually.</p> <p>7 Q. Did he go in there and search and</p> <p>8 moving anything around?</p> <p>9 A. He searched visually, yes, sir.</p> <p>10 Q. Was there a gun in there?</p> <p>11 A. What gun?</p> <p>12 Q. Was there a gun in there? That's</p> <p>13 what I am asking you.</p> <p>14 A. Inside my gun safe?</p> <p>15 Q. Yes. Was there one in there?</p> <p>16 A. Absolutely.</p> <p>17 Q. Where is that?</p> <p>18 A. Well, you see it right there.</p> <p>19 There's a whole lot of guns.</p> <p>20 Q. I can't see them.</p> <p>21 A. I can't either. To the left,</p> <p>22 there's guns all in there.</p> <p>23 Q. And that was you going in and</p> <p>24 closing it, correct?</p>

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1 A. Yes, sir.
 2 **Q. McPeake didn't close it, did he?**
 3 A. No. He was done with the search.
 4 (Video played.)
 5 **Q. I think that's it.**
 6 **Deputy McPeake didn't seize any of**
 7 **your movies, did he, personally?**
 8 A. Did he carry them personally?
 9 **Q. Yes.**
 10 A. No.
 11 **Q. What time do you recall Deputies**
 12 **Stump and White arrive?**
 13 A. Soon as the video -- soon as that
 14 video ended, that's about what time they got
 15 there.
 16 **Q. And both of them arrived at the**
 17 **same time?**
 18 A. I believe so.
 19 **Q. Did you speak to either one of**
 20 **them?**
 21 A. I did.
 22 **Q. Which one did you speak to?**
 23 A. I spoke to Bobby. You know, he
 24 came in and basically asked what is going on

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1 as far as I know. And he -- I think he asked
 2 -- he was going to have my witnesses and her
 3 witnesses leave.
 4 **Q. He didn't go outside, Stump?**
 5 A. No. He was out -- he was inside
 6 and outside several times as far as I know.
 7 At some point I left the whole search party.
 8 I went upstairs. Officer White followed me
 9 around, and he detained me basically.
 10 **Q. You said that Stump asked you what**
 11 **was going on. What did you tell him?**
 12 A. I said, you know, you've got the
 13 judge here. As far as I can remember, that's
 14 what I said, you know. I really don't recall
 15 what I said. So you can strike that.
 16 Because I don't recall what I said.
 17 **Q. You just said that Deputy White**
 18 **detained you. How did Deputy White detain**
 19 **you?**
 20 A. Because I needed to go upstairs to
 21 get away.
 22 **Q. For what?**
 23 A. I needed to go upstairs and get
 24 away. I was tired of the stress and, you

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1 know, the threat of jail. I had to get up
 2 and get away from them because they knew what
 3 they were going to do -- because they were
 4 going to -- anytime I objected to anything,
 5 it was no, I am going to do -- we are going
 6 to let her take this, take that. There was
 7 no sense of watching it.
 8 So he went up there. And he was
 9 following me around the kitchen. I said,
 10 what are you doing, dude? He said, I've got
 11 to make sure that, you know, everybody is
 12 safe.
 13 **Q. But you were free to move around,**
 14 **correct?**
 15 A. With him by my side, yes.
 16 **Q. All right. He didn't place you in**
 17 **handcuffs?**
 18 A. No, sir.
 19 **Q. Did he say you were being detained?**
 20 A. I can't remember what he said.
 21 **Q. I think after you left the living**
 22 **room, you all then went to the kitchen?**
 23 A. Yes, sir.
 24 **Q. Was everyone -- was it White,**

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1 **Stump, McPeake?**
 2 A. I believe it was everybody.
 3 **Q. Everybody? White, Stump, McPeake,**
 4 **Lusk, Goldston --**
 5 A. Yes, sir.
 6 **Q. -- you and your ex-wife?**
 7 A. Yes, sir.
 8 **Q. And there you allege some recipes**
 9 **were taken?**
 10 A. Yes, sir.
 11 You know, for the record, I --
 12 MR. BRYAN: Just let him ask
 13 questions, and then you can answer them.
 14 Okay?
 15 THE WITNESS: Okay.
 16 **Q. And after you left the kitchen --**
 17 **you all went to the back deck after you**
 18 **allege that an umbrella stand was taken?**
 19 **Does that sound correct?**
 20 A. That's correct.
 21 **Q. And you allege that the umbrella**
 22 **stand belongs to you?**
 23 A. Again, if you -- when you buy a
 24 patio set, you've got to buy the umbrella and

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1 umbrella stand separately. She got exactly
2 what she was awarded, which is the chairs,
3 the table and the umbrella.

4 **Q. During the time that Stump and**
5 **White were in your home, did you see either**
6 **Stump or White take any items out of your**
7 **home?**

8 A. I can't answer that. I don't know.

9 **Q. I guess -- how did your ex-wife**
10 **move her items to -- move the items from the**
11 **house to her vehicle?**

12 A. There was a laundry basket
13 downstairs. And I guess she decided to use
14 it.

15 **Q. Okay. You never saw Deputy**
16 **McPeake, White or Stump remove any items?**

17 A. Again, I was away from them at some
18 point in time. So the answer is, I can't
19 answer that.

20 **Q. What items do you allege were never**
21 **returned to you?**

22 A. Some of the movies. My
23 girlfriend's DVD was taken. I supplied text
24 messages. And some of the movies belonged to

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1 my kids.

2 **Q. So your kids never got a way to**
3 **watch those movies?**

4 A. I mean, unless we buy another DVD.
5 I mean, we can stream it I guess.

6 **Q. They couldn't watch them over at**
7 **your ex-wife's house?**

8 A. I mean, should my -- the answer is
9 she could watch them over there. But my
10 daughter I have full custody of, she should
11 not have her Christmas gifts taken away.

12 **Q. You said the DVD that belonged to**
13 **your girlfriend was never returned?**

14 A. No. No. It was returned.

15 **Q. It was returned?**

16 A. It was. Her movie was returned,
17 yes.

18 **Q. Okay. All right. Other than the**
19 **contempt hearing that was held in front of**
20 **Judge Goldston, have you ever been a part of**
21 **any other contempt hearing after that?**

22 A. You mean other than with Judge
23 Dorsey and Lisa Clark -- Judge Clark?

24 **Q. What was that contempt hearing in**

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1 **front of Judge Clark -- what was that about?**

2 A. Same case. It is a continuation of
3 the case.

4 **Q. It was about not returning items?**

5 A. It was -- never did we talk about
6 not returning. We never talked about items.
7 She wouldn't let me testify on what was
8 taken, what was objected to. She didn't hear
9 that testimony.

10 **Q. What was the contempt hearing**
11 **about?**

12 A. We talked about this earlier; was
13 whether I damaged items or not.

14 **Q. It was just about damaged items?**

15 A. Yes.

16 **Q. Not about items that were taken?**

17 A. Right.

18 **Q. Were you found in contempt?**

19 A. No. As of last week, that
20 decision, she said she was going to let go
21 the contempt -- as of last Tuesday, February
22 15th.

23 **Q. I believe you also allege that you**
24 **sought counseling because of the incident,**

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1 **correct?**

2 A. Yes.

3 **Q. And you also admit that you had**
4 **sought counseling before that, correct?**

5 A. Yes.

6 **Q. And that counseling you sought**
7 **before was because of marital problems you**
8 **were having with your wife?**

9 A. Yes.

10 **Q. And it looks like you would have**
11 **started going to Life Strategies around**
12 **September of 2017?**

13 A. Sounds right.

14 **Q. Is that correct?**

15 A. Sounds right.

16 **Q. For anxiety stemming from issues**
17 **with your wife?**

18 A. Yes.

19 **Q. Do you have an anger problem?**

20 A. No way. No, sir.

21 **Q. Do you recall being diagnosed with**
22 **unspecified anxiety and high expressed**
23 **emotion level within the family? Do you**
24 **recall being diagnosed with that in 2017?**

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1 A. No, sir. No, sir.
 2 **Q. I have here a psychotherapy intake**
 3 **note dated September 5, 2017. It says,**
 4 **Diagnosis, unspecified anxiety disorder was**
 5 **high expressed emotional level within the**
 6 **family.**
 7 **Do you see that?**
 8 A. Okay.
 9 **Q. Does that diagnosis sound accurate?**
 10 A. I mean, I was going through a
 11 divorce then.
 12 **Q. Does that diagnosis sound accurate?**
 13 A. I am not a doctor, sir. I don't
 14 know.
 15 **Q. So you disagree with that**
 16 **diagnosis?**
 17 A. I was going through a divorce. I
 18 was going through a rough time.
 19 MR. ROBINSON: We can mark this
 20 as Exhibit 5.
 21 (Exhibit 5 was marked.)
 22 **Q. 2017, you also had a bad**
 23 **interaction with your aunt that caused you**
 24 **some anxiety?**

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1 A. Yeah. Yes, sir.
 2 **Q. Okay. So it was more than just**
 3 **with your wife then, correct?**
 4 A. No. That was all connected. When
 5 she filed for divorce, that's when she
 6 claimed abuse. And my aunt, I don't really
 7 -- I wasn't raised with her. She was raised
 8 in the Maryland/Virginia area. I was raised
 9 in Oklahoma and West Virginia. So when she
 10 called and told her -- after my dad left --
 11 there was a divorce happened 50 years ago.
 12 So it was, you are just like your dad, he is
 13 a piece of crap, all of that. So there was a
 14 lot of family issues.
 15 **Q. How did your aunt find out about**
 16 **it?**
 17 A. My ex told her.
 18 **Q. Okay. You say it was just verbal**
 19 **abuse?**
 20 A. Yes, sir.
 21 **Q. What's your aunt's name?**
 22 A. Sandra Lerosa.
 23 **Q. Where does she live?**
 24 A. Alexandria, Virginia, the last I

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1 heard.
 2 **Q. What's her phone number?**
 3 A. I don't know. I ain't talked to
 4 her in about five years.
 5 **Q. Not since September of 2017? Does**
 6 **that sound right?**
 7 A. Yes. Once the harassment started,
 8 I was done. She texted my daughter.
 9 **Q. Who texted your daughter?**
 10 A. Ms. Lerosa.
 11 **Q. This is your aunt, correct?**
 12 A. You can call it that.
 13 **Q. Is it your aunt? Is she related to**
 14 **you by blood?**
 15 A. You can call it that, yes, sir.
 16 **Q. What else would you call it?**
 17 A. I don't know her. I know you as
 18 much as I know her.
 19 **Q. Is she related -- is she your --**
 20 A. She is a blood relative, yes, sir.
 21 **Q. Okay. I just wanted to make sure**
 22 **she's not -- it is your aunt, right? I mean,**
 23 **you're saying you call it that. I don't**
 24 **understand what you mean by that.**

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1 A. It is by relationship status. We
 2 were never raised together. So I didn't
 3 really look at her as an aunt.
 4 **Q. Well, I wasn't raised with my aunts**
 5 **and uncles, but they are still my aunts and**
 6 **uncles. Do you understand what I'm saying?**
 7 A. No. I understand what you're
 8 getting at. It's just I never carried her
 9 like that because it was always drama.
 10 **Q. Okay. Yeah.**
 11 **Okay. Are you saying your wife**
 12 **never accused you of any physical abuse?**
 13 A. No, sir.
 14 **Q. Then why would you tell your**
 15 **therapist that?**
 16 A. Maybe it was the best quote of what
 17 I told him. I mean, there was never an
 18 accusation whatsoever. It was just always
 19 verbal or some kind of stuff like that.
 20 **Q. You said something in the**
 21 **description -- I am reading from a**
 22 **psychotherapy report of October 9, 2017. It**
 23 **says Symptom Description and Subjective**
 24 **Report. It said his wife got paperwork**

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1 moving for divorce. He is feeling very
 2 emotional about it. Said his wife accused
 3 him of physical abuse.
 4 A. Oh, yeah, yeah. Hold on. Yes.
 5 Yeah. When she came to my house and -- about
 6 four or five days after, she had told my
 7 daughter that I was an abusive man and
 8 basically -- so I called my pastor. You can
 9 have his name too. And --
 10 **Q. What's his name?**
 11 A. Pastor Gary Williams.
 12 **Q. Where is he a pastor at?**
 13 A. New Prospect Baptist.
 14 **Q. Where is that located?**
 15 A. That's in North Sand Branch --
 16 Sweeneysburg.
 17 **Q. Sweeneysburg. Okay.**
 18 A. Okay. So he was -- he was doing
 19 marriage counseling for us. And after I seen
 20 that they were going to accuse some kind of
 21 abuse, I called them. And he was doing
 22 marriage counseling. And I asked them, I
 23 said, hey, did she ever accuse me of abuse?
 24 He says no. And I said, will you testify for

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1 me? He said yeah.
 2 So after I hired Brandon Johnson, I
 3 seen abuse wasn't going to be a dispute of
 4 fact, I didn't call him for testimony. But
 5 after she told my daughter that I was
 6 abusive, you know, that's when the trust on
 7 our side stopped. So yes, that happened.
 8 **Q. All right. And of course you**
 9 **allege it never happened?**
 10 A. Of course not.
 11 MR. ROBINSON: We can make the
 12 psychotherapy note dated October 9, 2017 as
 13 Exhibit 6
 14 (Exhibit 6 was marked.)
 15 **Q. It looks like you went -- the first**
 16 **time you went for therapy after the incident**
 17 **that's the subject of this litigation was**
 18 **March 17, 2017?**
 19 A. Okay.
 20 **Q. I'm sorry. 2018.**
 21 A. Say that again.
 22 **Q. I think it is March 17, 2018. Does**
 23 **that sound correct?**
 24 A. That should be March 2020.

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1 **Q. 2020?**
 2 A. After.
 3 **Q. Okay. I'm sorry.**
 4 **It looks like you went there -- it**
 5 **says, Things are pretty crazy right now. I**
 6 **had a video go viral about some legal things**
 7 **going on from him in his divorce.**
 8 **Now, none of the defendants in this**
 9 **case posted that video online, did they?**
 10 A. No.
 11 **Q. Okay. That video was posted by**
 12 **who? Your attorney?**
 13 A. Yes, sir.
 14 **Q. Okay. And you are saying your**
 15 **anxiety came from the video going viral?**
 16 A. Sure. Because at this point,
 17 everybody is looking at you whether you are
 18 guilty or not guilty. This went on for
 19 two years.
 20 **Q. People would not have done that had**
 21 **your attorney not posted that video online,**
 22 **correct?**
 23 A. Well, if I didn't do that, then I
 24 know that they would sweep the judge

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1 searching the house -- because she's been
 2 doing it for 20 years -- under a rug. And I
 3 knew I would get no action. So I had to put
 4 my life's events out there to get some
 5 action, to get the investigation going.
 6 **Q. So you put it out there. Okay.**
 7 A. My attorney did, sir.
 8 **Q. I think you also said Paul Payne,**
 9 **Chris Payne, Jeff Presley came up to your**
 10 **property and insisted on removing things from**
 11 **your home. They actually came into your home**
 12 **and removed things?**
 13 A. They didn't come inside, no.
 14 **Q. They were all outside?**
 15 A. Yes, sir.
 16 **Q. Have you seen McPeake since the**
 17 **incident?**
 18 A. I can't recall.
 19 **Q. Have you seen Stump since the**
 20 **incident?**
 21 A. No. I can't recall that either.
 22 **Q. Have you seen White since the**
 23 **incident?**
 24 A. No, sir. Not that I can recall.

<p style="text-align: right;">Page 170</p> <p>1 Q. So you can't recall them ever 2 threatening to arrest you after the incident, 3 correct? 4 A. Say that again. 5 Q. None of them have threatened you 6 with arrest after the incident, correct? 7 A. After the incident, no. 8 Q. Okay. Did any deputy from the 9 Raleigh County Sheriff's Department threaten 10 you with arrest after the incident? 11 A. No, sir. 12 Q. You said deputies parked cruisers 13 in your yard? 14 A. Yes, sir. 15 Q. Which ones? 16 A. I don't know who was driving what. 17 Q. Do you have photographs of it? 18 A. I did at one point. 19 MR. ROBINSON: I don't have 20 anything else. 21 MR. BRYAN: I just have a few 22 questions. 23 EXAMINATION 24 BY MR. BRYAN:</p>	<p style="text-align: right;">Page 172</p> <p>1 process." 2 So that was page 23 of the West 3 Virginia Supreme Court's opinion regarding 4 the search that took place at your home. 5 My question is, were you in the 6 middle of this egregious, abusive process 7 when you made the decision to open your gun 8 safe? 9 MR. ROBINSON: Objection to the 10 form. 11 MS. TULLY: Object to form. 12 A. Yes. 13 Q. So that was the context in which 14 you opened your gun safe for Deputy McPeake 15 that we saw in the video? 16 A. Yes, sir. 17 Q. Would you have invited Deputy 18 McPeake into your house and opened up your 19 gun safe for him but for being in the middle 20 of this egregious, abusive process? 21 A. I wouldn't have invited any one of 22 them in. So the answer is no, sir. 23 Q. Would you have invited Deputy 24 McPeake inside your house to film and observe</p>
<p style="text-align: right;">Page 171</p> <p>1 Q. Mr. Gibson, on page 23 of the West 2 Virginia Supreme Court's opinion regarding 3 the search that took place in this case, the 4 court wrote, and I quote, "Regardless of 5 whether the ex-husband had failed to provide 6 belongings he was previously directed to 7 provide, Judge Goldston failed to use the 8 appropriate tools available to her under the 9 law to address such failure because she felt 10 such procedures were ineffective. Instead, 11 she, along with her bailiff, the ex-wife and 12 the ex-wife's attorney proceeded to enter the 13 ex-husband's home" -- 14 MR. ROBINSON: I'm going to lodge 15 an objection here. Is this a question? 16 MS. TULLY: Yeah. 17 MR. BRYAN: Please let me finish. 18 I am almost done. 19 Q. -- "the ex-husband's home over his 20 strenuous objections, directed that he stop 21 recording the incident and began searching 22 for items on the list of items he was to 23 produce. Such an invasion of the 24 ex-husband's home was an egregious, abusive</p>	<p style="text-align: right;">Page 173</p> <p>1 the inside of your gun safe except for the 2 fact that you had been threatened with 3 arrest? 4 A. I wouldn't have invited. I didn't 5 authorize him to video inside my house. So 6 no, sir. 7 Q. Was this egregious, abusive process 8 which occurred in your home a traumatic 9 experience? 10 MR. ROBINSON: Objection to the 11 form. 12 MS. TULLY: Object to form. 13 MR. BRYAN: What do you object 14 to? That's the words of the Supreme Court. 15 MS. TULLY: It's an objection 16 that I'm lodging. I don't have to explain my 17 objection. You can continue with your 18 question. 19 MR. ROBINSON: I'm objecting to 20 your use of egregious and abusive process. 21 MS. TULLY: Yeah. 22 MR. ROBINSON: That's my 23 objection. 24 MR. BRYAN: Page 23 of the West</p>

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1 Virginia Supreme Court, that's what I'm
2 holding. I mean, I --

3 MR. ROBINSON: I stand by my
4 objection. You can ask your question.

5 MR. BRYAN: I mean, I want to ask
6 a good question. Let me rephrase my question
7 then with your objection noted.

8 **Q. Was this egregious, abusive process**
9 **which occurred in your home a traumatic**
10 **experience for you?**

11 MR. ROBINSON: Object to form.

12 MS. TULLY: Object to form.

13 MR. ROBINSON: You can answer.

14 A. Yes, sir.

15 **Q. Before watching the video that**
16 **Deputy McPeake took, did your recollection of**
17 **opening the gun safe vary some from what was**
18 **portrayed on the McPeake video?**

19 A. Yes.

20 MR. ROBINSON: Object to the
21 form.

22 MR. BRYAN: I'm sorry. What's --

23 MR. ROBINSON: I objected to the
24 form. He can answer.

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1 Go ahead. His recollection of what
2 is on the video, that's what you are asking
3 him?

4 **Q. Let me repeat my question.**

5 **You said that what occurred in your**
6 **home was a traumatic experience for you,**
7 **right?**

8 A. Yes, sir.

9 **Q. At the time that the complaint was**
10 **drafted and filed, you didn't have that video**
11 **in your possession, right?**

12 A. Correct. I did not have that video
13 in my possession.

14 **Q. In fact, you had requested that**
15 **video?**

16 A. I did, sir.

17 **Q. You knew it existed?**

18 A. Yes, sir.

19 **Q. You saw Deputy McPeake taking a**
20 **video?**

21 A. I seen him fidgiting around with
22 his phone, yes, sir.

23 **Q. And you tried multiple times to**
24 **obtain a copy of that video?**

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1 A. I sent a FOIA request to the
2 sheriff's department, yes, sir.

3 **Q. But ultimately you had to assert**
4 **the allegations in the complaint without**
5 **having that video to review first?**

6 A. Yes, sir.

7 **Q. So as we sit here today and watch**
8 **the video, there was some factual variance**
9 **from the way that you recalled the event and**
10 **the way that the video shows the events?**

11 MR. ROBINSON: Object to the
12 form.

13 **Q. Is that right?**

14 A. Yes, sir.

15 **Q. But ultimately it is your testimony**
16 **that you otherwise wouldn't have invited**
17 **Deputy McPeake in your house to look in your**
18 **gun safe but for this search that was**
19 **occurring against your will?**

20 A. Absolutely. I would not have
21 invited him in. If I wasn't threatened with
22 arrest, I would have never let them in my
23 house.

24 **Q. Was it your understanding that you**

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1 **had any choice but to comply with the search**
2 **that was taking place in your house once it**
3 **was under way?**

4 A. Once she threatened me with arrest
5 and he called for assistance, I had no -- no
6 way that I think that I -- I had to let her
7 in. That's -- that's my thought process.

8 **Q. Were you threatened with arrest**
9 **multiple times?**

10 A. Yes, sir.

11 **Q. Do you recall how many times?**

12 A. I can't give an exact number.
13 Maybe seven -- six, seven.

14 **Q. And who would have arrested you, do**
15 **you know?**

16 A. Bailiff McPeake or the deputies
17 would have arrested me.

18 **Q. And were you afraid of getting**
19 **arrested?**

20 A. Absolutely, sir.

21 **Q. Why?**

22 A. Because I would lose custody of my
23 kids, what I had.

24 **Q. Any other reasons?**

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1 A. I mean, lose my job. I'd lose
 2 everything that I have built if I got
 3 arrested.
 4 **Q. So did you voluntarily consent to**
 5 **the search of your house that day?**
 6 A. No, sir. Under duress and threats.
 7 **Q. In fact, did you demand a search**
 8 **warrant?**
 9 A. Yes, sir.
 10 **Q. What was the response?**
 11 A. I don't need a search warrant.
 12 **Q. At some point, was your phone**
 13 **seized?**
 14 A. Yes, sir.
 15 **Q. And who seized your phone?**
 16 A. Bailiff McPeake.
 17 **Q. Did you voluntarily give your phone**
 18 **to Bailiff McPeake?**
 19 A. No, sir.
 20 **Q. Why did you do so?**
 21 A. Under threat of arrest.
 22 **Q. Did you voluntarily stop recording**
 23 **on your phone that day?**
 24 A. No, sir.

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1 **Q. Why did you stop doing so?**
 2 A. I was scared of going to jail under
 3 threat of arrest.
 4 **Q. Was Sharon Masual, your girlfriend,**
 5 **threatened with arrest --**
 6 A. Yes, sir.
 7 **Q. -- that day?**
 8 A. Yes, sir.
 9 **Q. Was she told to stop recording**
 10 **under the threat of arrest?**
 11 A. Yes, sir.
 12 **Q. And who made that threat?**
 13 A. Judge Goldston.
 14 **Q. Was Deputy McPeake present at the**
 15 **-- when that threat was made?**
 16 A. Yes, sir.
 17 **Q. Was he in uniform?**
 18 A. Yes, sir.
 19 **Q. Was he there on the property in a**
 20 **marked police cruiser?**
 21 A. Yes, sir.
 22 **Q. And you testified earlier that you**
 23 **had parted ways with your prior attorney,**
 24 **Brandon Johnson. Did that occur after your**

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1 **divorce was finalized?**
 2 A. Yes, sir.
 3 **Q. So the case was over, right?**
 4 A. Yes, sir.
 5 **Q. After Judge Goldston was**
 6 **disqualified from presiding over the contempt**
 7 **action that was pending in family court, I**
 8 **think you said Judge Lisa Clark eventually**
 9 **began to preside over the action?**
 10 A. Yes, sir.
 11 **Q. So just to -- just to be clear, the**
 12 **ultimate disposition or the ultimate**
 13 **adjudication of this contempt petition that**
 14 **we are -- we have talked about here today was**
 15 **that it was dismissed without a finding that**
 16 **you were in contempt; is that right?**
 17 A. Yes, sir. She said on the record
 18 she is letting the case go.
 19 **Q. And that was said when?**
 20 A. Tuesday, February 15th, 2022.
 21 **Q. Has a written order been entered to**
 22 **your knowledge that memorializes that?**
 23 A. No, sir. She said she is going to
 24 prepare it. And I have got the court

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1 recorded audio.
 2 **Q. But you do have a copy of the court**
 3 **audio where she said -- Judge Clark says that**
 4 **the contempt petition is being dismissed**
 5 **without a finding of holding you in contempt?**
 6 A. Yes.
 7 **Q. Regarding the video being out**
 8 **there, whether on the news or elsewhere, was**
 9 **it important to you that other people know**
 10 **about what happened to you?**
 11 A. I think it was very important to
 12 get my story out because it has been
 13 happening to people for 20 years as Judge
 14 Goldston admitted to. So it is -- it is
 15 important because the judge is supposed to
 16 have the utmost integrity if anybody is
 17 supposed to have it. You guys are all
 18 officers of the court. You are supposed to
 19 have integrity. The judges must have the
 20 utmost integrity. It is important to know
 21 what our deputies are doing with that search
 22 warrant. It's important to know what our
 23 judges are doing behind the scenes. When you
 24 go to court for divorce, it should be just

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1 divorce. All of these other games should not
2 be played.

3 **Q. If only you knew about it or only**
4 **you and your lawyer knew about it, do you**
5 **believe as we sit here today that that would**
6 **have caused you less anxiety or less**
7 **emotional trauma than you actually suffered?**

8 A. Can you say that question again?

9 **Q. Well, the insinuation is, is that**
10 **you say that you suffered emotional trauma**
11 **because everybody had seen the video. And if**
12 **you yourself consented to putting the video**
13 **out there or put the video out there, then,**
14 **you know, the suggestion or the insinuation**
15 **is, is that you -- you know, you chose to**
16 **make that happen.**

17 **So my question is, is had you made**
18 **a different choice or had you not put the**
19 **video out there, do you believe that you**
20 **would have suffered any less?**

21 MS. TULLY: I am going to object
22 to the use of the word insinuation. I mean,
23 he testified that it being out there causes
24 him stress and anxiety.

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1 MR. BRYAN: I'm sorry. I
2 completely butchered that question. Let me
3 try to rephrase this.

4 **Q. Do you believe that you would have**
5 **suffered any less if the video hadn't been in**
6 **the news or on social media?**

7 A. I suffered regardless because my --
8 my lack of faith in the way a judge is
9 supposed to act and the police officer is
10 supposed to act happened. You couldn't take
11 that from my memory. Now, I do believe that
12 I suffered more when the video come out. But
13 I -- you know, I had to to get justice.

14 There was only one way of getting justice,
15 was to put it out there. I mean, again, for
16 20 years, people were scared to speak up.

17 **Q. So, in effect, did you feel that**
18 **that was an important step that you were**
19 **forced to take?**

20 A. Yes, sir. It was -- it was either
21 that or swept under the rug as it has been
22 for 20 years.

23 MR. BRYAN: All right. Can I
24 have just a minute? I think I'm probably

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1 done. I'd just like to talk to Matt real
2 quick.

3 (Break in proceedings.)

4 MR. BRYAN: I don't have any
5 other questions again.

6 MS. TULLY: I just have a couple.

7 RE-EXAMINATION

8 BY MS. TULLY:

9 **Q. Judge Goldston never carried**
10 **anything out of your home; is that correct?**

11 A. Not that I know of.

12 **Q. Okay. You say you contacted --**
13 **again, I don't want to know what you all**
14 **talked about. But you think you contacted**
15 **Mr. Bryan sometime within a couple of weeks**
16 **of this happening?**

17 A. I am going to say within a week.

18 **Q. Okay. So if this video was on the**
19 **news on March 5th of 2020 -- were you the one**
20 **that provided the video to the news?**

21 A. No. I contacted him -- I probably
22 contacted him the same day. Matter of fact,
23 I'm pretty sure I contacted him March 4th.

24 **Q. So you contacted him immediately?**

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1 A. Yes.

2 **Q. And you don't believe that without**
3 **putting that video out there, anything could**
4 **have happened?**

5 A. Yeah.

6 **Q. Like we wouldn't be sitting here**
7 **today had you not put that video out on --**

8 A. For 20 years, she had been
9 searching houses. For 20 years, it has been
10 going on. For 20 years, people didn't feel
11 like they had a voice. For 20 years, they
12 haven't.

13 **Q. So you are being the savior of all**
14 **of these --**

15 A. There is no savior. I hate it. I
16 hate that it ever happened.

17 **Q. What's your ultimate goal with this**
18 **lawsuit?**

19 A. I want justice, ma'am.

20 **Q. So you want her to stop being able**
21 **to perform these searches, is that --**

22 A. Absolutely.

23 **Q. Okay. Do you believe that has**
24 **happened through the hearing --**

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1 A. I have no faith in family court
 2 now.
 3 **Q. Let me finish my question.**
 4 A. Sorry, ma'am.
 5 **Q. Do you believe that that justice**
 6 **has occurred with a result of the West**
 7 **Virginia Supreme Court order?**
 8 A. Do I believe them -- can you
 9 rephrase it maybe so I understand?
 10 **Q. Do you believe that the justice --**
 11 **which you just told me that to you is that**
 12 **she can no longer do these home visits, do**
 13 **you believe that that justice has occurred?**
 14 A. No.
 15 MR. BRYAN: Objection to the form
 16 of the question, characterization of home
 17 visits. The Supreme Court said it was a
 18 search.
 19 MS. TULLY: Okay. Well,
 20 regardless.
 21 **Q. You don't believe that that justice**
 22 **has occurred?**
 23 A. No, ma'am.
 24 **Q. Why not?**

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1 A. I just don't think I do. I mean,
 2 it is -- she's still practicing. She
 3 violated many canons. She violated laws.
 4 There is no public trust. When you hear --
 5 family court now, it is a joke. The average
 6 man would say, oh, yeah, the one searching
 7 houses, the one taking kids. The integrity
 8 of the system is gone in my opinion.
 9 **Q. Okay. How do you obtain justice**
 10 **through this lawsuit?**
 11 A. I think through this -- you know,
 12 that's a good question. I'd have to think
 13 about it. Because I don't have an answer for
 14 you right now.
 15 **Q. Well, you are the one who wants**
 16 **justice.**
 17 A. I do.
 18 **Q. How do you obtain justice through**
 19 **this lawsuit? Because you agree with me that**
 20 **this lawsuit can't take her off the bench,**
 21 **correct?**
 22 A. As far as I know. I am not too
 23 legally on that. But okay.
 24 **Q. Okay. So what's your justice**

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1 **through this?**
 2 A. So if we go to trial and she is
 3 found guilty, then it can take her off of the
 4 bench because then she is convicted of a
 5 civil penalty. So I don't know. You are
 6 asking -- you're asking me the question. I
 7 am giving you an answer. If she is found
 8 guilty, then there will be some kind of
 9 penalty for that.
 10 **Q. Monetary?**
 11 A. I guess.
 12 MS. TULLY: Okay. I don't think
 13 I have anything else.
 14 RE-EXAMINATION
 15 BY MR. ROBINSON:
 16 **Q. On this timeline for picking up**
 17 **property, you say March 2018, Mrs. Gibson**
 18 **picked up her personal property from my home,**
 19 **I have audio of her going through the home.**
 20 **Including closets and drawers.**
 21 **Do you still have that audio?**
 22 A. I don't know. I just switched
 23 phones. I may have it on my home drive. I
 24 may not. I don't know.

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1 **Q. Did she know that you were**
 2 **recording her?**
 3 A. Inside my house?
 4 **Q. Yes.**
 5 A. The answer is probably not.
 6 **Q. Okay. Are there any other**
 7 **recordings of her that she doesn't know**
 8 **about?**
 9 A. No, sir.
 10 **Q. Are you sure?**
 11 A. Yes, sir.
 12 MR. ROBINSON: That's it. I
 13 don't have anything else.
 14 MS. TULLY: Actually, I have one
 15 more.
 16 RE-EXAMINATION
 17 BY MS. TULLY:
 18 **Q. You now remember that you called**
 19 **Mr. Bryan on March 4th, 2020, correct?**
 20 A. Yes, ma'am.
 21 **Q. Do you remember if you called him**
 22 **between the time you left the courthouse and**
 23 **got to your home, or if you called him**
 24 **sometime later in the day?**

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1 A. It is going to be later in the day.
 2 MS. TULLY: All right. I think
 3 that's all of the questions that I have.
 4 MR. ROBINSON: Okay.
 5 MR. BRYAN: He will read.
 6 (Deposition concluded at 1:30
 7 p.m.)

8 * * * * *

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1 CERTIFICATE

2
 3 I, Tara Arthur, Certified Stenotype
 4 Reporter and Notary Public, do hereby
 5 certify that the foregoing deposition of the
 6 above-named witness, was duly taken by me in
 7 machine shorthand, and that the same were
 8 accurately written out in full and reduced
 9 to computer transcription.

10 I further certify that I am neither
 11 attorney or counsel for, nor related to or
 12 employed by any of the parties to the action
 13 in which this deposition is taken; and
 14 furthermore, that I am not a relative or
 15 employee of any attorney or counsel employed
 16 by the parties hereto or financially
 17 interested in the action.

18 My commission expires April 16, 2022.

19 

20 Tara Arthur

21 Certified Court Reporter/Notary Public

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